



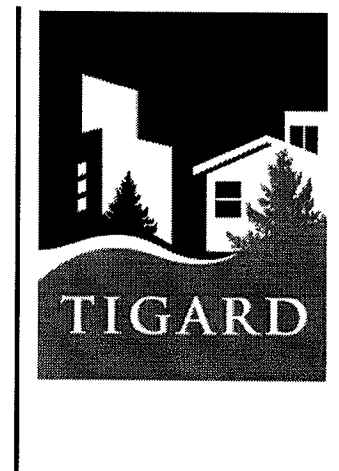
TIGARD CITY COUNCIL & LOCAL
CONTRACT REVIEW BOARD
MEETING

DECEMBER 19, 2006

6-7 PM – Reception for Council President
Nick Wilson

Meeting Starts at 7 PM

TIGARD CITY HALL
13125 SW HALL BLVD, TIGARD, OR



PUBLIC NOTICE:

To request to speak to the City Council:

- Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s).
- If no sheet is available for the agenda item you would like to address, sign the Citizen Communication sign-in sheet and ask the Mayor if you may speak to the Council when that agenda item is considered.
- For Citizen Communication items regarding items not on the agenda, citizens are asked keep their remarks to two minutes or less. Longer matters can be set for a future Agenda by contacting the Mayor or the City Manager.
- If you need assistance determining how to sign in, please speak to the staff greeter who will be near the entry to the Town Hall before the Council meeting.

Times noted are estimated; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign the testimony sign-in sheet. Business agenda items can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

A G E N D A
TIGARD CITY COUNCIL AND
LOCAL CONTRACT REVIEW BOARD MEETING
DECEMBER 19, 2006



**Reception Honoring Council President Nick Wilson
for his years of service on City Council.**

6-7 PM

7 PM

- STUDY SESSION
 - ♦ City Center Advisory Commission (CCAC) Membership Vacancies
- EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM

1. BUSINESS MEETING
 - 1.1 Call to Order - City Council & Local Contract Review Board
 - 1.2 Roll Call
 - 1.3 Pledge of Allegiance
 - 1.4 Council Communications & Liaison Reports
 - 1.5 Call to Council and Staff for Non-Agenda Items
2. CITIZEN COMMUNICATION (Two Minutes or Less, Please)
 - Citizen Communications – Sign Up Sheet
 - Report from the Tigard Area Chamber of Commerce President Ralph Hughes
 - Follow-up to Previous Citizen Communication

3. CONSENT AGENDA: These items are considered to be routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:
 - 3.1 Approve City Council Minutes: November 21, 2006
 - 3.2 Authorize the Mayor to Sign a Memorandum of Understanding (MOU) with Tualatin Valley Fire and Rescue (TFV&R) Regarding the Joint Development of the Walnut Street Fire Station and the Expansion and Improvement of Jack Park
 - 3.3 Approve Budget Amendment #10 to the FY 2006-07 Budget to Accept and Expend a State Homeland Security Grant for Purchase of 800 MHz Radios – Resolution No. 06-____
 - *Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items which do not need discussion.*
4. MEETING WITH TRI-MET GENERAL MANAGER FRED HANSEN FOR A PROGRESS REPORT ON THE THIRD YEAR OF THE TIGARD/TRI-MET MEMORANDUM OF UNDERSTANDING
 - ♦ Staff Introduction: Community Development Department
 - ♦ Progress Update: TriMet General Manager Fred Hansen
5. MEETING WITH OREGON DEPARTMENT OF TRANSPORTATION (ODOT) REGION 1 MANAGER JASON TELL
 - ♦ Staff Introduction: Community Development Department
 - ♦ Council Discussion with ODOT Region 1 Manager Jason Tell
6. AMENDMENT TO TIGARD MUNICIPAL CODE (TMC) CHAPTER 12.10.100 REGARDING THE CITY OF TIGARD'S CROSS CONNECTION CONTROL PROGRAM
 - ♦ Staff Report: Public Works Department
 - ♦ Council Discussion
 - ♦ Council Consideration: Ordinance No. 06-____

7. PUBLIC HEARING TO CONSIDER AN ORDINANCE IMPLEMENTING A GAS TAX FOR GREENBURG/99W/ MAIN STREET IMPROVEMENTS
 - a. Open Public Hearing
 - b. Staff Report
 - c. Public Testimony
 - ♦ Proponents
 - ♦ Opponents
 - d. Council Questions and Discussion
 - e. Close Public Hearing
 - f. Council Consideration: Ordinance No. 06-_____
8. CITY COUNCIL 4TH QUARTER GOAL UPDATE
 - ♦ Staff Report: Administration Department
9. COUNCIL LIAISON REPORTS
10. NON AGENDA ITEMS
11. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
12. ADJOURNMENT

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Agenda Item #
Meeting Date

Study Session
December 19, 2006

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title City Center Advisory Commission (CCAC) Membership Vacancies

Prepared By: Phil Nachbar Dept Head Approval: *TC* City Mgr Approval: *2 AM for CP*

ISSUE BEFORE THE COUNCIL

Information to Council regarding current and upcoming membership vacancies on the CCAC, and new processes for appointments as outlined in newly adopted by laws.

STAFF RECOMMENDATION

Council should determine the manner in which it wants to select terms for current members of the CCAC

KEY FACTS AND INFORMATION SUMMARY

Section 3 of the CCAC By Laws addresses appointments to the CCAC, and calls for a means of staggering all current members' terms with three (3) three-year terms, three (3) two-year terms, and three (3) one-year terms. Council needs to determine what process it wishes to use to stagger the terms of existing members. Council may consider one of the following options for staggering terms, or at its discretion, provide its own method; 1) assign the longer terms (3-year) to members with the shortest total time of service on Downtown boards or commissions, and the shorter terms (1-year) to members with the longest time of service. 2) request the CCAC to "self select" themselves with a preferred method of staggering in accordance with the By Laws or 3) conduct a lottery.

There will be two (2) vacant positions on the CCAC as of January 1, 2007. Currently, one position is available due to the resignation of Judy Munro, and a second vacancy will occur as a result of the election of Gretchen Buehner to the City Council. On October 24, 2006, City Council passed resolution #06-64 adopting new By Laws for the CCAC. Sections 2 and 3 address composition and appointments. Currently, the composition of the CCAC does not conform to the newly adopted By Laws. In order to meet the suggested composition in the By Laws, the current Commission would need to include two (2) Downtown business or property owners, and one (1) member of the Planning Commission. However, and unless there are other openings, there will be only two (2) available positions in January 2007. These new appointments would be to three-year terms.

OTHER ALTERNATIVES CONSIDERED

N/A.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Tigard Beyond Tomorrow

Volunteerism

#1) City will maximize the effectiveness of the volunteer spirit to accomplish the greatest good for our community.

1a) Keep current volunteer program healthy and active.

ATTACHMENT LIST

Attachment #1: CCAC By Laws

FISCAL NOTES

No cost impact.

BY LAWS OF THE CITY CENTER ADVISORY COMMISSION

SECTION 1. CHARGE AND DUTIES

- (a) The City Center Advisory Commission (the "Commission") has the powers conferred by City Charter, the Tigard Municipal Code, the resolution approving these by laws, and such other powers as granted by the Tigard City Council, but shall have no other powers. These by laws are adopted by resolution of the Tigard City Council, are binding on the Commission, and may be amended only by the City Council.
- (b) It shall be the function of the Commission to act as an advisory body to the City Center Development Agency (CCDA), the Urban Renewal Agency for the City of Tigard, or the City Council as appropriate.
- (c) The Commission is charged with advising the CCDA on matters pertaining to Urban Renewal Plan implementation and tax increment fund allocations for the City Center Urban Renewal District. Recommendations pertaining to policy, budget, and implementation of urban renewal projects identified within the Urban Renewal Plan and / or the annually adopted Downtown Implementation Strategy and Work Program will be made to the CCDA or City Council as appropriate for consideration, deliberation and action. The Commission may also provide recommendations with regard to amendments to the City Center Urban Renewal Plan.
- (d) The Commission shall perform other duties as assigned by the CCDA.
- (e) The Commission may form subcommittees to investigate areas relevant to its charge or duties pursuant to this section.

SECTION 2. COMPOSITION

- (a) The Commission shall consist of nine (9) members appointed by the City Council who are residents of Tigard or own businesses or property within the City Center Urban Renewal District with the following representation if possible:
 - (1) At least two (2) business owners or property owners whose business or property is located within the City Center Urban Renewal District;
 - (2) Five (5) persons who are residents of Tigard and represent a cross-section of interests in the community at large;

- (3) One (1) person residing within or adjacent to the boundaries of the City Center Urban Renewal District;
- (4) One (1) member of the Planning Commission
- (5) Two (2) alternates (non-voting) including one (1) at large resident of Tigard, and one (1) business or property owner from within the City Center Urban Renewal District

SECTION 3. APPOINTMENTS

- (a) Council shall fill vacancies with individuals necessary to meet the compositional requirements of above.
- (b) In addition, Council shall determine a means of staggering appointments of all current members initially using three (3) three-year terms, three (3) two-year terms, and three (3) one-year terms.
- (c) Appointments shall be made by the City Council with recommendations from the Mayor.

SECTION 4. TERM OF OFFICE

- (a) After the initial staggering of terms for current members as defined in Section 3(b) above, the term of office of all future, appointed members shall be three (3) years or until their successors are qualified and appointed.
- (b) All terms shall begin January 1st and end December 31st.
- (c) Any vacancy in the Commission shall be filled by appointment by the Council upon recommendation by the Mayor for the unexpired portion of the term. The unexpired portion of a term does not count towards the two consecutive terms limit in Section 4(d).
- (d) Members may be reappointed for up to two consecutive three year terms. An initial one or two year term under Section 3(b) does not count towards the two consecutive terms limit.
- (e) Members of the Commission shall receive no compensation for their services.

SECTION 5. ORGANIZATION OF THE COMMISSION

- (a) At its first meeting of the year, and thereafter annually, the Commission shall elect a Chair and Vice Chair from its members who shall hold office at the pleasure of the Commission.
- (b) If the Chair or Vice Chair should resign, the Commission shall, at its next meeting, conduct an election and provide a replacement.
- (c) The Commission shall meet at least quarterly during a calendar year at a time and place that is specified at least 5 days in advance.
- (d) All meetings shall be conducted in conformance with Public Meeting Law.
- (e) A record of the Commission's proceedings shall be filed with the city recorder.

SECTION 6. VOTING

- (a) General procedures of the Commission, including voting, shall follow Robert's Rules of Order.
- (b) A majority of votes shall determine the official position of the Commission on a given issue.
- (c) Chair and Vice Chair shall vote on all matters before the Commission.

SECTION 7. COMMISSION MEMBER RESPONSIBILITIES

- (a) Members of the Commission shall:
 - (1) regularly attend Commission meetings and contribute constructively to discussions,
 - (2) consider and discuss issues from a Citywide perspective, as well as that of particular stakeholders or interests,
 - (3) understand and be able to articulate the Commission's charge, responsibilities and adopted, annual work program,
 - (4) strive to reach consensus on matters under consideration,
 - (5) act with respect and consideration for the viewpoint of others,

- (6) review and provide comment on reports, presentations, and recommended policies or strategies related to Downtown redevelopment before the Commission, and
 - (7) vote on motions in front of the Commission, except where reasonable abstention is necessary.
- (b) Commission members may engage in general discussions regarding its charge, responsibilities or projects within the Urban Renewal Plan or Downtown Implementation Strategy, but shall not discuss specific real estate projects or proposals with potential developers or property owners without the authorization of the CCDA.
 - (c) In addition, members shall not make representations on behalf of the City of Tigard or CCDA without authorization.
 - (d) Members shall not make representations on behalf of the Commission whether intentional or not, without the authorization of the Commission.

SECTION 8. ATTENDANCE

If a member of the Commission is unable to attend a meeting, he or she is expected to notify the Chair or Vice Chair. If any member is absent from any six (6), regularly scheduled meetings within one year or three (3) consecutive meetings without reasonable cause, the issue shall be placed on the upcoming agenda, and upon majority vote of the Commission that position shall be declared vacant. The Commission shall forward its action to the Mayor and Council, who shall fill the vacant position.

SECTION 9. QUORUM

At any meeting of the Commission, a quorum shall be a majority of the current members of the Commission. No action shall be taken in the absence of a quorum except that the meeting may continue with discussion on agenda items. For the purposes of forming a quorum, members who have disqualified or excused themselves from participation in any matter shall be counted as present.

In the event a quorum will not be present at any meeting, the Chair or Vice Chair shall notify the Commission members in advance so that a decision may be made whether to meet and take no action on agenda items or to reschedule to a different time.

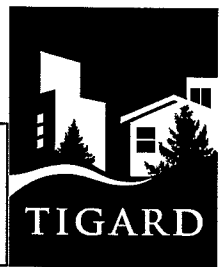
SECTION 10. REMOVAL OF MEMBERS

- (a) The City Council may remove members of the Commission in accordance with Section 8 Attendance.
- (b) The Council may also remove members at its sole discretion.
- (c) The Commission may make a recommendation to Council for the removal of a member for failure to comply with Section 7 Commission Member Responsibilities. The Commission shall forward a recommendation for replacement to the Mayor and Council in a timely manner.

SECTION 11. ANNUAL REPORT OF THE COMMISSION

- (a) Not later than December 1 of each year, the Commission shall prepare and file its Annual Report to the CCDA.
- (b) The Annual Report shall include a summary of key activities and proceedings and any specific suggestions or recommendations which the Commission believes would assist its mission or the overall goals for the Downtown.
- (c) The Annual Report shall not be submitted unless approved by the Commission.

Agenda Item No. 3.1
For Agenda of Dec. 19, 2006



Tigard City Council Meeting Minutes

Date: November 21, 2006
Time: 6:30 p.m.
Place: Tigard City Hall, 13125 SW Hall Boulevard, Tigard, Oregon
Attending: Mayor Craig Dirksen Presiding
Councilor Sydney Sherwood
Councilor Nick Wilson
Councilor Tom Woodruff
Councilor Sally Harding

| Agenda Item | Discussion & Comments | Action Items (follow up) |
|---|--|--|
| Workshop Meeting | <p>1.1 Mayor Dirksen called the City Council to Order at 6:34 p.m.</p> <p>1.2 Council Present: Mayor Dirksen, Councilors Harding, Sherwood, Wilson, and Woodruff.</p> <p>1.3 Pledge of Allegiance</p> <p>1.4 Council Communications & Liaison Reports There were none.</p> <p>1.5 Call to Council and Staff for Non-Agenda Items City Manager Prosser noted that these items will be discussed under Agenda Item 6 – Non-Agenda Items.</p> | |
| 2. Review Proposed Goal 5 Habitat-Friendly Development Provisions | <p>Community Development Director Coffee introduced this item. Associate Planner Igarta briefed the Council on proposed code amendments that will be considered at the December 12, 2006 Council meeting.</p> <p>Councilor Harding complimented City planning staff, noting that at the September Goal 5 Regional meeting, Tigard was mentioned as being on target and ahead of other cities in the region on implementing habitat-friendly development code provisions.</p> | The public hearing is scheduled for the December 12, 2006 Council meeting. |

| Agenda Item | Discussion & Comments | Action Items (follow up) |
|-------------|---|--------------------------|
| | <p>Planner Igarta reviewed the process. He said the proposed amendments result from Metro assuming responsibility for regional resources under statewide Goal 5 and adopting Title 13 (Nature in Neighborhoods) as part of the Urban Growth Management Functional Plan. This plan was acknowledged in October, 2006 by the State Land Conservation and Development Commission (LCDC). Following LCDC acknowledgement, local jurisdictions within Metro must apply Metro requirements rather than the requirements of Statewide Goal 5.</p> <p>Associate Planner Igarta said these code amendments encourage the use of habitat-friendly development methods through implementation of the Tualatin Basin Fish & Wildlife Habitat Program.</p> <p>City staff determined that many of the provisions are already being met by Tigard's current code. Staff brought code amendment recommendations to a public hearing at the Planning Commission's October 16, 2006 meeting.</p> <p>Associate Planner Igarta reviewed the public hearing recommendations. He displayed a map showing significant habitat areas in the region. Code amendments include adopting this inventory to Volume 1 of Tigard's Comprehensive Plan and adopting habitat-friendly development provisions in the Development Code.</p> <p>There were questions from the Council regarding the accuracy of the map and how changes to it would be indicated. In response to a question from Councilor Wilson about the fluidity of the map, Associate Planner Igarta said it was, "a general location map and the City would need to maintain it."</p> <p>Councilor Wilson urged that easements not be put on private lots as this can create problems. He said developers will do that so they can get the number of lots they want, but this causes problems with homeowners. He also said that language such as "strictly limit" or "lightly limit" was vague and</p> | |

| Agenda Item | Discussion & Comments | Action Items (follow up) |
|-------------|---|--------------------------|
| | <p>confusing. He suggested that, for example, “high quality,” would be a better way to indicate quality of habitat.</p> <p>Mayor Dirksen noted that the word, “must” was used in Section 6, and asked why it was used if compliance was voluntary. Planning Commission Member Buehner said the Planning Commission tried to remove such language but may have missed some. Community Development Director Coffee said they would look into the language used.</p> <p>Associate Planner Igarta said the Planning Commission voted to recommend that Council approve the provisions with the following minor modifications.</p> <ul style="list-style-type: none"> •The Tualatin Basin Partners recommended that all development be transferred from habitat areas to remaining buildable areas on a site. The Planning Commission was concerned about the potential for incompatible development in neighborhoods. <p>The Planning Commission felt it was important that appropriate design standards and a review process be determined to ensure that proposed density transfers will be compatible with the surrounding neighborhoods.</p> <p>Councilor Woodruff asked about density and why it would be in Tigard’s best interest to allow more.</p> <p>Mayor Dirksen asked why we would transfer density from a wetland where you can’t build anyway to another area.</p> <ul style="list-style-type: none"> •Another issue was that the report recommended all projects within the CleanWater Services Healthy Streams Plan be permitted outright without requiring a Sensitive Lands Review. <p>Associate Planner Igarta said that public testimony expressed concern about losing that formal local process for public input. The Planning Commission recommended this exemption be removed from the proposed code amendments.</p> | |

| Agenda Item | Discussion & Comments | Action Items (follow up) |
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| | <p>Community Development Director Coffee noted that Mr. Igarta was taking another job with City of Portland. He acknowledged Mr. Igarta's work, not only on the code amendments, but on the Streetscape Plan and the downtown process.</p> | |
| <p>3. Memorandum Between Washington County, its Jurisdictions and Service Districts, to Not Extend Services to Development Outside the Urban Growth Boundary that is the Result of Measure 37 Claims</p> | <p>Long Range Planning Manager Bunch discussed a Memorandum of Understanding between Washington County, its Jurisdictions and Service Districts, to Not Extend Services to Development Outside the Urban Growth Boundary that Result from Measure 37 Claims.</p> <p>He said some cities have already signed the agreement but after a review of Washington County's legislative agenda, staff recommends a "go slow" approach. Concerns identified are:</p> <ul style="list-style-type: none"> ●Oregon Statutes, Oregon Administrative Rules and Metro's own functional plan already prohibit the provision of services outside the urban growth boundary. Why is this signed agreement necessary? ●The MOU references County policies but the policies are not delineated. What if policies change? ●It doesn't address exception land, which is where a lot of development occurs. ●In the service district listing, only two of five water districts are listed. ●Washington County says it will coordinate with Metro's New Look, but we don't know at this point in time what that New Look process will be. ●Rural lands are mentioned but not described, and they are mentioned along with resource lands. But exception lands are not mentioned. <p>Councilor Woodruff suggested meeting with County Commissioners to find out what their plan is for the future and look for ways we can work together on this.</p> <p>City Manager Prosser said discussions have been held with the city managers group who suggested the next step should be getting the mayors together, who could then meet with the County Commission.</p> | <p>Council consensus was to look at this agreement more carefully and delay signing it until the concerns are addressed.</p> |

| Agenda Item | Discussion & Comments | Action Items (follow up) |
|--|---|--|
| | <p>Community Development Director Coffee said the MOU wording left openings for the county to change their plan and try to get services outside of the Urban Growth Boundary. He stated we need to hear more about this. He said, however, since Tigard was not likely to be outside or contiguous to the Urban Growth Boundary, it may not even affect the City.</p> <p>Long Range Planning Manager Bunch said Washington County agreed that there is no urgency to sign this agreement and the City could take time to evaluate this and bring it back to Council after some clarification occurs.</p> | |
| <p>4. Fanno Creek Park Master Plan Request for Proposals</p> | <p>Senior Planner Nachbar presented a PowerPoint summary on the Fanno Creek Park Master Plan Request for Proposals. A copy of the PowerPoint presentation is in the City Recorder's office. He noted that Fanno Creek Park is a very visible and important part of the downtown plan. It is a 21.8 acre linear park located along the southwestern edge of Tigard's downtown from Hall Boulevard on the east to Main Street on the West. There is the potential to expand the park including two adjoining floodplain properties. Expansion of the park supports the goal of restoring the natural watershed and provides space for a multi-use public plaza.</p> <p>Senior Planner Nachbar asked Council for their review and comments on the RFP and public process. The deadline to receive proposals is January 5, 2007. Senior Planner Nachbar discussed the program phases and schedule. This RFP covers Phases 1 and 2, which are budgeted. The Master Plan should meet long term community needs, providing a community gathering space and the "heart" of the downtown area; which builds upon the Tigard Downtown Improvement Plan. The potential urban creek corridor will also be studied for feasibility in the next few months.</p> <p>Design challenges:</p> <ul style="list-style-type: none"> ●Native habitat needs restoration. ●Lacking in definable spaces and limited viewpoints | <p>Council recommended including one citizen member from the Park and Recreation Advisory Board and one from the City Center Advisory Commission on the RFP Selection Committee.</p> |

| Agenda Item | Discussion & Comments | Action Items (follow up) |
|-------------|--|--------------------------|
| | <ul style="list-style-type: none"> ●Ecologically fragmented with invasive and non-native species ●Poorly defined riparian areas ●Access ●Need a gateway to Main Street ●Design guidelines for new development surrounding the public plaza <p>Senior Planner Nachbar said Kendra Smith from CleanWater Services would be on the selection panel since CWS is a strong participant in the project. He said CWS will be providing assistance to purchase floodplain property as well as providing a topographic survey and a creek hydrology study. CWS will come up with specific suggestions for changes to the creek to upgrade its condition. CWS will also be completing a lot of the restoration work.</p> <p>Councilor Wilson expressed concerns about keeping the park accessible to people. While it may be in the best interests of the creek to plant trees all along the riparian area, people need to be able to get close to the creek in places.</p> <p>Mayor Dirksen asked about having an Interwoven-mental Agreement with CWS so their role is clearly stated. Senior Planner Nachbar said CWS would provide input, but staff would be making the decisions. Senior Planner Nachbar agreed that an IGA is a good idea.</p> <p>Mayor Dirksen mentioned a creek that Lake Oswego recently restored and suggested a tour, along with CWS, to see what they did.</p> <p>Councilor Woodruff said he would like to see the Tigard Farmers' Market move to the downtown public plaza when it is completed.</p> | |
| | <p>Council recessed at 8:05 p.m. and reconvened at 8:14 p.m.</p> | |

| Agenda Item | Discussion & Comments | Action Items (follow up) |
|--------------------------|---|--|
| 5. Update on Entry Signs | <p>Public Works Director Koellermeier introduced consultants Kurt Lango and Andrea Saven from the Lango-Hansen firm.</p> <p>Mr. Lango said they worked with preliminary concepts provided by the City and developed some sign design ideas that would be easy to reproduce and maintain. The monuments are designed to have seasonal colored annual plantings in front.</p> <p>Ms. Saven noted that that site suggestions were narrowed down from eight to three. They recommend not going with the Highway 99 (at northern city limits) site yet because of several challenges including the many competing signs, private property, and lack of visual clearance.</p> <p>Council agreed though, that this is their priority site and encouraged continued research into making this location work.</p> <p>Ms. Saven said the Barrows Road/Walnut Street location does not have as much traffic going by as Highway 99 does, but it has other advantages. The sign can be in the right-of-way. The site is a nice green, open spot, and lots of building is going on in that area. It would help define the Beaverton/Tigard boundary.</p> <p>Highway 99, south of Durham Road is advantageous because of high traffic and the monument could be located in the ODOT right-of-way. It could be at the development where Albertson's is on the right, or in the ODOT median.</p> <p>Mr. Lango discussed sign materials. Consultants designed a pre-cast concrete cap and base, basalt colored natural stone (or brown/rust colored stone) and seasonal plantings in front, with uplighting. The consultants recommend painted wood grouted signs, with a dark background and lighter lettering.</p> <p>Councilor Wilson suggested cut metal signs and after discussion, Council asked them to bring back pictures of other signs, such as Wilsonville's new metal sign, for their consideration.</p> <p>Councilor Sherwood suggested having the words,</p> | <p>Public Works Director Koellermeier said the consultants will attend a future meeting for continued discussion on signage material choice.</p> |

| Agenda Item | Discussion & Comments | Action Items (follow up) |
|---------------------|--|--------------------------|
| | <p>“Thank you for visiting Tigard” on the back of the sign if it is visible.</p> <p>Council consensus:</p> <ul style="list-style-type: none"> ● Preferred the consultant’s main suggestion ● All signs should be the same. ● Take out planting at end of monument (in column). ● Like the logo inset on the column ● Columns with logos could also be used at park entrances ● Natural stone (not cast) should be used. ● Plants in front of the sign are fine, but not as part of the sign (too hard to maintain). ● Plant conifers or shrubs behind sign. ● Want to see pictures of signs in materials other than wood | |
| 6. Non-Agenda Items | <p>The following non-agenda items were discussed:</p> <ul style="list-style-type: none"> ● Councilor Sherwood will attend the Governor’s Council on Alcohol and Drug Abuse visit to Washington County on November 28, 2006. ● City Manager Prosser verified the emergency telephone notification protocol for Council members. ● City Recorder Wheatley will attend the Goal Setting meeting and it was preferred by Council to start with lunch. ● Council biographies need to be updated. Please give current information to Executive Assistant Bengston as soon as possible. ● Councilor Harding noted that this time of year is not the best for advertising “opting in” to receive the Cityscape. She said there are too many distractions due to the upcoming holidays and people may not read it. ● The City Attorney review is scheduled for the December 12, 2006 study session. Mayor Dirksen recommended getting a legal activity summary from | |

| Agenda Item | Discussion & Comments | Action Items (follow up) |
|-------------|---|--------------------------|
| | <p>the City Attorney for Council to review. He said Council could make a statement as to how they felt Legal Counsel is doing or an in-depth review could be done if desired. Councilor Wilson suggested getting a cost accounting for the past year as well.</p> <ul style="list-style-type: none"> ● City Manager Prosser noted that Assistant City Manager Newton would be attending the CCI meeting on November 30 and said the County was proposing a CPO fund. This would be money individual CPO's could apply for to pay for projects. ● A tentative meeting with the School Board is scheduled for Monday, January 29, 2007. Mayor Dirksen and Councilors Sherwood and Harding indicated they could attend. The School Board is hosting. ● There is a Fifth Tuesday meeting scheduled for January 30, 2007, in the Library Community Room. ● Councilor Sherwood suggested that City Manager Prosser set up a meeting with Washington County regarding urbanization and provision of services. ● Mayor Dirksen mentioned that he was asked to testify at the Governor's Task Force on Land Use Planning – the Big Look, on the issues of annexation and governance in unincorporated areas. ● Mayor Dirksen recommended that Council have island annexation discussions and document the direction Tigard will take. City Manager Prosser suggested scheduling this discussion for a business meeting and having what ever strategy is developed formalized by a resolution. ● Councilor Wilson said he has been the liaison to the Westside Economic Alliance for the last few years. He said all the other cities are represented by their mayors. He asked the Council members if they agreed to have Mayor Dirksen represent Tigard, and they concurred. | |

| Agenda Item | Discussion & Comments | Action Items (follow up) | | | | | | | | | | |
|----------------------|--|---|---------------|-----|-------------------|-----|--------------------|-----|------------------|-----|--------------------|-----|
| | <ul style="list-style-type: none">●Councilor Woodruff asked City Manager Prosser to provide a list of all Council liaison committees and time commitments involved. With a new Council member coming in he said it was a good time to review this. City Manager Prosser said staff has been working on this and he distributed a draft spreadsheet for Council review.●City Manager Prosser said results of the Gas Tax Town Hall meetings will be discussed during the December 12 study session. A public hearing is scheduled for December 19, 2006, if Council decides to go ahead with this. | | | | | | | | | | | |
| 7. Executive Session | Not held | | | | | | | | | | | |
| 8. Adjournment | The meeting was adjourned at 9:15 p.m. | <p>Motion by Councilor Woodruff, seconded by Councilor Sherwood, to adjourn the meeting.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Wilson</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table> | Mayor Dirksen | Yes | Councilor Harding | Yes | Councilor Sherwood | Yes | Councilor Wilson | Yes | Councilor Woodruff | Yes |
| Mayor Dirksen | Yes | | | | | | | | | | | |
| Councilor Harding | Yes | | | | | | | | | | | |
| Councilor Sherwood | Yes | | | | | | | | | | | |
| Councilor Wilson | Yes | | | | | | | | | | | |
| Councilor Woodruff | Yes | | | | | | | | | | | |

Attest:

Carol A. Krager, Deputy City Recorder

Mayor, City of Tigard

Date: _____



i:\adm\cathy\ccm\2006\081121.doc

Agenda Item #
Meeting Date

3.2
December 19, 2006

COUNCIL AGENDA ITEM SUMMARY
City Of Tigard, Oregon

Issue/Agenda Title Memorandum of Understanding with Tualatin Valley Fire and Rescue regarding the Joint Development of the Walnut Street Fire Station and the Expansion and Improvement of Jack Park

Prepared By: Dennis Koellermeier Dept Head Approval:  City Mgr Approval: 

ISSUE BEFORE THE COUNCIL

Shall the Council authorize the Mayor to sign a Memorandum of Understanding (MOU) with Tualatin Valley Fire and Rescue (TVF&R) regarding the joint development of the Walnut Street fire station and the expansion and improvement of Jack Park?

STAFF RECOMMENDATION

Approve the MOU.

KEY FACTS AND INFORMATION SUMMARY

- TVF&R recently purchased property at 12585 SW Walnut Street in Tigard and intends to construct a new fire station on the site.
- The purchased property is adjacent to the City's Jack Park.
- TVF&R anticipates it will not need the entire property for the new fire station and has offered to sell the remaining property to the City.
- The City is interested in purchasing the excess property in order to expand and improve Jack Park.
- The Council reviewed a draft of this MOU at their November 28 meeting.
- If approved, this MOU will formalize the intent of both the City and TVF&R to work together on the development of the fire station and the expansion and improvement of Jack Park. Examples of some joint projects may include:
 - access to Jack Park via Walnut Street
 - parking
 - an enhanced community room for public use

OTHER ALTERNATIVES CONSIDERED

Council could choose to not purchase the property and, therefore, not participate in the joint project.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Tigard City Council, Other Important Goals for 2006

Consider Opportunities for Major Greenspaces Purchases

Tigard Beyond Tomorrow, Urban & Public Services

Goal #2: Open space and greenway areas shall be preserved and protected.

Strategy #1: Acquire and develop parkland.

ATTACHMENT LIST

MOU - Joint Development of the Walnut Street Fire Station and Expansion and Improvement of Jack Park

1. Table 3.8, Residential and Non-Residential Growth-Required New Facility Costs, of the Tigard Parks and Recreation System Development Charges Methodology Update, dated November 10, 2004
2. Sample Cost Allocation Methods

FISCAL NOTES

Based on System Development Charges methodology, preliminary estimates indicate the property will cost the City approximately \$345,000. Improvements are expected to add another \$150,000 to the project. The City does not expect to make any payments before July 1, 2007, and will budget for the property purchase and improvements in the '07-'08 fiscal year.

MEMORANDUM OF UNDERSTANDING
between
TUALATIN VALLEY FIRE AND RESCUE
and
THE CITY OF TIGARD

December 5, 2006

JOINT DEVELOPMENT OF THE WALNUT STREET FIRE STATION AND
EXPANSION AND IMPROVEMENT OF JACK PARK

This Memorandum of Understanding (MOU) is entered into between Tualatin Valley Fire and Rescue, hereinafter referred to as "TVF&R," and the City of Tigard, hereinafter referred to as "Tigard."

A. PURPOSE

The purpose of this MOU is to put in writing the parties' understanding as to the responsibilities related to the joint development of TVF&R's Walnut Street Fire Station and the expansion and improvement of Tigard's Jack Park. The parties recognize that the transaction will require further documentation and approvals, including the preparation and approval of formal agreements; nevertheless, they execute this letter to evidence their intention to proceed in mutual good faith to complete work required to negotiate terms of an agreement that are consistent with this MOU.

B. RECITALS

1. In June of 2006, TVF&R purchased land, (tax lot 2S104AD04500), located at 12585 SW Walnut Street in Tigard. TVF&R intends to build a new fire station on the site.
2. With regard to the Walnut Street parcel, TVF&R currently estimates that approximately .75 acres of developable land and 1.2 acres of open space will not be needed for the new fire station project.
3. Tigard's Jack Park abuts the TVF&R property to the north and Tigard is interested in participating in TVF&R's project and ultimately purchasing the surplus real property to expand Jack Park, provide public access to the park via Walnut Street, and to construct park improvements such as a parking area and park signage.

C. UNDERSTANDINGS

1. Joint Project

The parties anticipate TVF&R will develop the fire station and be responsible for costs associated with the fire station and Tigard will develop the park and be responsible for costs associated with the park. The parties also contemplate there will be shared amenities and improvements, possibly including shared parking and driveways, and the parties will share the costs of shared improvements according to anticipated usage of those improvements. As detailed below, the parties also contemplate an expanded community room in the fire station that will be available for use by Tigard.

2. Purchase of Surplus Land

TVF&R agrees to sell any developable land and open space surplus property at the new Walnut Street property to Tigard. Tigard agrees to purchase both the surplus developable land and open space provided the property facilitates access between Jack Park and Walnut Street and is sizeable enough to provide public benefit in the form of improved park facilities and/or access.

3. Purchase Price

TVF&R and Tigard agree the surplus land will be sold/purchased for \$130,000 per acre for greenways and \$250,000 per acre for developable land. These figures are based on Table 3.8, Residential and Non-Residential Growth-Required New Facility Costs, (Attachment 1), of the Tigard Parks and Recreation System Development Charges Methodology Update, dated November 10, 2004.

4. Planning

TVF&R and Tigard will work cooperatively to partition the property and to file a joint land use application for the fire station and park expansion/improvements. TVF&R will provide Tigard with a deed to the surplus property following the partition approval and recording of the partition plat. Nothing in this MOU commits the City in its role as a land use decision-maker to approve any application for development approval or land division.

5. Cost Estimate

Prior to construction, TVF&R will furnish Tigard with a cost estimate, detailing Tigard's proportionate share of the project costs attributable to shared facilities or improvements. Tigard will have no responsibility to pay unless and until Tigard agrees to the project and costs proposed by TVF&R.

6. Other Costs

TVF&R and Tigard agree to share costs for the land use consultant and landscape architect. Landscape architect costs and land use consultant's costs shall be apportioned based on anticipated use by each party of the facilities that are included within the joint application or plans. Examples of possible cost apportionment are attached as Attachment 2.

Tigard will pay for all public improvements conditioned solely on the park expansion/improvements and TVF&R will pay for all public improvements conditioned solely on construction of the fire station. Public Improvements related to both the park and the fire station, such the parking area, will be shared proportionately based on the estimated use of the improvement. Public improvements based on frontage or area will be based on the frontage or area owned by each party.

TVF&R and Tigard will share in funding an enhanced community room which will be owned and managed by TVF&R and can be used by Tigard, at no cost and subject to availability, for city-sponsored meetings, community events and recreational activities. Enhancing the room means the community room will be larger and offer more amenities than a typical community room at other TVF&R facilities.

7. Payments

TVF&R will be the paying agency for both parties on any part of the project that is not solely related to park expansion and/or improvements. Prior to construction, TVF&R and Tigard will develop a mutually agreeable payment process and schedule.

8. Project Management

TVF&R agrees to manage the project and will work cooperatively with Tigard to provide access and updates to Tigard.

D. MODIFICATION

Modifications to this MOU will be made by the mutual written consent of both parties.

E. TERMINATION

Either party may terminate this MOU by providing notice of termination.

F. COMMENCEMENT/EXPIRATION DATE

This MOU is executed as of the date of the last signature and is effective through December 31, 2008, at which time it will expire unless extended by the mutual written consent of both parties.

G. PRINCIPAL CONTACTS

The principal contacts for the MOU are:

Gary Wells
Director of Logistics
Tualatin Valley Fire & Rescue
20665 SW Blanton Street
Aloha OR 97007
gary.wells@tvfr.com
503.642.0331 - Phone
503.642.9655 - Fax

Dennis Koellermeier
Public Works Director
City of Tigard
13125 SW Hall Blvd.
Tigard OR 97223
dennis@tigard-or.gov
503.639.4171 x2596 - Phone
503.684.8840 - Fax

H. PARTIES TO THIS AGREEMENT

This MOU is executed by authorized representatives of the parties as evidenced by their representative's signatures on the attached signature pages. The parties understand that this MOU sets forth the intent of the parties only, and may not be relied on as the basis for a contract by estoppel or the basis for a claim based on detrimental reliance or any other theory to enter into such developmental agreements.

Tualatin Valley Fire & Rescue:

Signature: _____

Title: _____

Date: _____

City of Tigard:

Signature: _____

Title: _____

Date: _____

There are deficiencies in the number of acres of Neighborhood Parks, Community Parks, and Greenways; and in the miles of Trails available to serve current residents and employees. Improvement fee SDC revenues must be used only for growth needs, and may not be used to remedy deficiencies. Alternative non-SDC revenues must be used to repair deficiencies.

E. New Facility Costs

The SDC Parks Capacity Improvements Program (PCIP), included as Appendix A, identifies new facilities needed to serve parks and recreation needs of the City through the year 2008. Table 3.8, below, shows a breakout of residential and non-residential share of costs for these new facilities. Because employees need fewer facilities than those required for a resident, the residential share of growth costs is 88.1% of the total for those facilities that benefit both residential and non-residential development (i.e., community parks, linear parks, etc.), and 100% for those facilities that benefit residential development only (e.g., neighborhood parks).

TABLE 3.8

**RESIDENTIAL AND NON-RESIDENTIAL
GROWTH-REQUIRED NEW FACILITY COSTS**

| <u>Facility</u> | <u>Cost Per Unit</u> | <u>Total New Facility Costs</u> | <u>New Facility Growth Costs</u> | <u>Residential Growth Costs</u> | <u>Non-Residential Growth Costs</u> |
|-----------------------------|------------------------------|-------------------------------------|--------------------------------------|-------------------------------------|---|
| Neighborhood Parks (acres)* | \$410,000 | \$8,503,400 | \$1,472,310 | \$1,472,310 | \$ 0 |
| Community Parks (acres)** | 440,000 | 8,800,000 | 4,769,600 | 4,202,018 | 567,582 |
| Greenways (acres)*** | 130,000 | 6,175,000 | 2,527,200 | 2,226,463 | 300,737 |
| Linear Parks (acres)## | 230,000 | 639,400 | 639,400 | 563,311 | 76,089 |
| Trails (miles)### | 520,000 | <u>2,657,200</u> | <u>603,200</u> | <u>531,419</u> | <u>71,781</u> |
| Totals | | \$26,775,000 | \$10,011,710 | \$8,995,521 | \$1,016,189 |
| Percentage of Growth Costs | | | | 89.8% | 10.2% |

* Neighborhood Parks are considered to benefit residential population only; cost per unit is based on land at \$250,000 per acre and development at \$160,000 per acre. Land cost estimate is based on a review of recent similar acquisitions by the cities of Sherwood, Tigard, Tualatin and Hillsboro, and by the Tualatin Hills Park & Recreation District. Development cost assumes that approximately \$10,000 per acre in costs will be donated through tree mitigation.

** Community Parks cost is based on \$250,000 per acre for acquisition and \$190,000 for development. Land cost estimate is based on a review of recent acquisitions in the cities of Sherwood, Tigard, Tualatin and Hillsboro, and by the Tualatin Hills Park & Recreation District. Development cost assumes that approximately \$10,000 per acre in costs will be donated through tree mitigation.

*** Greenways cost of \$130,000 per acre is based on a review of recent similar acquisitions in the cities of Sherwood, Tigard, Tualatin and Hillsboro, and by the Tualatin Hills Park & Recreation District. Greenways cost assumes that approximately \$10,000 per acre in costs will be donated through tree mitigation.

Linear Parks cost is based on \$140,000 per acres for acquisition and \$90,000 per acre for development. Development cost assumes that approximately \$10,000 per acre in costs will be donated through tree mitigation.

Trails costs include land acquisition at approximately \$70,000 per mile (1/2 acre per mile), and development at \$450,000 per mile. Land cost estimate is based on a review of recent similar acquisitions in the cities of Sherwood, Tigard, Tualatin and Hillsboro, and by the Tualatin Hills Park & Recreation District.

SAMPLE COST ALLOCATION METHODS

Project costs, including landscape architect and land use consultant costs are based on ownership and anticipated use by each party.

Possible examples:

1. The landscape architect provides a landscape plan and related services for one acre of property. TVF&R owns and will have exclusive use of $\frac{1}{2}$ acre, Tigard owns and will have exclusive use of $\frac{1}{4}$ acre. The remaining $\frac{1}{4}$ acre is landscaping associated with the parking lot that would be owned by TVF&R but will be used equally by both parties. TVF&R would be responsible for $\frac{5}{8}$ of the cost (all of the costs for the area of its exclusive use, and $\frac{1}{2}$ the costs of the shared use area), and Tigard would be responsible for $\frac{3}{8}$ of the cost. Note that shared use will not always be 50/50.
2. The land use consultant assists TVF&R with the fire station property but not the park property, with the fire station property including a parking area that will be used by the City for park parking and an expanded community room. The following sets out a possible scenario:

Fire Station Buildings – 75 percent of total effort

Community Room – 10 percent of Fire Station Buildings (7.5% of total)

City Share – $\frac{2}{3}$ of Community Room (5% of total)

Parking Lot, Exterior – 25 percent of total effort

City share 40% of Parking Lot and other exterior use (10% of total)

City's total share – 15 percent.

Note that all these numbers and shares are hypothetical

Agenda Item #
Meeting Date

33
December 19, 2006

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title A Resolution Approving Budget Amendment #10 to the FY 2006-07 Budget to Accept and Expend a State Homeland Security Grant for purchase of 800 MHz Radios.

Prepared By: Michelle Wareing Dept Head Approval: AWJ City Mgr Approval: cl

ISSUE BEFORE THE COUNCIL

Shall the City Council approve Budget Amendment #10 to recognize the State Homeland Security Grant revenue and increase appropriations in the Public Works Department budget for expenditure of the grant funds for the purchase of 800 MHz radios to be used in the Emergency Operations Center.

STAFF RECOMMENDATION

Staff recommends approval of Budget Amendment #10.

KEY FACTS AND INFORMATION SUMMARY

In early 2006, Public Works staff submitted, via the Police Department, a grant request to the State Homeland Security Grant Program for the purchase of 800 MHz hand held radios. These radios would be stored in the City's Emergency Operations Center resource area and would be available for both Public Works and Police staff to use during emergency and non-emergency events. These radios would provide staff the ability to be in contact with each other and with surrounding jurisdictions.

When the original grant awards were made, Tigard was notified that it would not be receiving any grant revenues. Therefore, staff did not include the revenue nor the expense in the FY 2006-07 budget. At the end of the grant session, the State Homeland Grant Program conducts a process on all unused awarded money. After this review, the State Homeland Grant Program notified Tigard that it could now award \$22,225 to the Public Works Department for purchase of seven (7) 800 MHz hand held radios, seven (7) spare heavy-duty, long life batteries, and a bank charger.

This budget amendment officially recognizes the grant revenues of \$22,225 and increases appropriations in the Public Works Administration Division, Public Works Department by the same amount.

OTHER ALTERNATIVES CONSIDERED

Do not approve Budget Amendment #10.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

N/A

ATTACHMENT LIST

Resolution including Attachment A.
Memo from Mike Lueck to Dennis Koellermeier.

FISCAL NOTES

This resolution increases grant revenues in the General Fund by \$22,225 and increases appropriations in the Public Works Department Budget by the same amount.



MEMORANDUM

*Approved
Dell
11/13/06*

TO: Dennis Koellermeier, Public Works Director

FROM: Mike Lueck, Emergency Management Coordinator *ML*

RE: Budget Amendment

DATE: November 9, 2006

The following is an explanation of background for a budget amendment request to the FY 06-07 budget. Annually, Tigard Police and Tigard Public Works request federal grant monies to fund shortfalls in equipment and training requirements. During the FY 06-07 grant request cycle, Public Works requested \$51,400 for 800 mhz hand held radios through the State Homeland Security Grant Program (SHSGP) via the Tigard Police Department's application. Prior to the application being submitted to the state, it was reviewed by the City Manager. The \$51,400 was originally included in the FY 06/07 revenue projections and the expenditure was included in the Public Works Administration proposed budget.

When the original grant awards were made, neither Tigard Police nor Public Works were successful. At that point, Public Works removed the grant revenue and corresponding expenditure from the proposed budget.

At the end of each grant session a reprogramming process is conducted for all unused awarded money. Though the reprogramming process, Public Works was successful in receiving a portion of its original request, equaling \$22,225. With this grant Public Works will purchase seven (7) Motorola MTS 200 Model II Smart Zone 800 mhz hand held radios, seven (7) spare heavy-duty, long life batteries and a bank charger.

Public Works pursued the grant money to improve interoperability between our inter-city emergency first responder departments as well as with the surrounding jurisdictions. The radios purchased will be maintained in the Emergency Operations Center (EOC) resource storage area, fully charged and ready should we need them for an emergency or non-emergency activity.

Public Works is requesting to amend the FY 06/07 budget to reflect this grant revenue and the corresponding expenditure. We would like to request that revenue in the amount of \$22,225 be appropriated to account 100-0000-404000 and expenditures in the amount of \$22,225 be appropriated to account 100-2110-611002.

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 06-_____

A RESOLUTION APPROVING BUDGET AMENDMENT #10 TO THE FY 2006-07 BUDGET TO ACCEPT AND EXPEND A STATE HOMELAND SECURITY GRANT FOR PURCHASE OF 800 MHZ RADIOS.

WHEREAS, Public Works staff submitted, via the Police Department, a grant request to the State Homeland Security Grant program for purchase of 800 MHz hand held radios; and

WHEREAS, during the first awarding of grants, the City was notified that it would not receive any grant revenues; and

WHEREAS, the State Homeland Security Grant Program conducts a process on all unused award money at the end of their grant session; and

WHEREAS, the State Homeland Security Grant Program has now notified the City that it will receive \$22,225 in grant revenues to purchase seven (7) 800 MHz hand held radios, seven (7) spare heavy-duty, long life batteries, and a bank charger; and

WHEREAS, it is necessary to amend the FY 2006-07 Budget to recognize the grant revenues of \$22,225 and to increase appropriations in the Public Works Department by the same amount.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The FY 2006-07 Budget of the City of Tigard is hereby amended as shown in Attachment A to this resolution to increase General Fund grant revenues by \$22,225 and to increase appropriations in the Public Works Program by the same amount.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2006.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

Attachment A
FY 2006-07
Budget Amendment #10

| FY 2006-07 Revised Budget | Budget Amendment # 10 | Revised Revised Budget |
|---------------------------------|-----------------------------|------------------------------|
|---------------------------------|-----------------------------|------------------------------|

General Fund

Resources

| | | | |
|---------------------------------|--------------|----------|--------------|
| Beginning Fund Balance | \$7,801,614 | | \$7,801,614 |
| Property Taxes | 10,225,860 | | 10,225,860 |
| Grants | 322,130 | 22,225 | 344,355 |
| Interagency Revenues | 2,699,084 | | 2,699,084 |
| Development Fees & Charges | 664,000 | | 664,000 |
| Miscellaneous Fees and Charges | 307,325 | | 307,325 |
| Fines and Forfeitures | 626,000 | | 626,000 |
| Franchise Fees and Business Tax | 3,667,000 | | 3,667,000 |
| Interest Earnings | 217,400 | | 217,400 |
| Other Revenues | 26,000 | | 26,000 |
| Transfers In from Other Funds | 2,707,028 | | 2,707,028 |
| Total | \$29,263,441 | \$22,225 | \$29,285,666 |

Requirements

| | | | |
|---------------------------------|--------------|----------|--------------|
| Community Service Program | \$12,456,168 | | \$12,456,168 |
| Public Works Program | 2,977,412 | 22,225 | 2,999,637 |
| Community Development Program | 2,986,903 | | 2,986,903 |
| Policy & Administration Program | 348,365 | | 348,365 |
| General Government | 75,000 | | 75,000 |
| Program Expenditures Total | \$18,843,848 | \$22,225 | \$18,866,073 |
| Debt Service | \$0 | | \$0 |
| Capital Projects | \$0 | | \$0 |
| Transfers to Other Funds | \$4,876,553 | | \$4,876,553 |
| Contingency | \$1,000,000 | | \$1,000,000 |
| Total Budget | \$24,720,401 | \$22,225 | \$24,742,626 |
| Ending Fund Balance | 4,543,040 | | 4,543,040 |
| Total Requirements | \$29,263,441 | \$22,225 | \$29,285,666 |

Agenda Item #

Meeting Date

4
12-19-06

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Tigard-TriMet Memo of Understanding Third Year Progress Report

Prepared By: Duane Roberts

Dept Head Approval: BB for TL

City Mgr Approval: CL

ISSUE BEFORE THE COUNCIL

In his third annual appearance TriMet General Manager, Fred Hansen, will update Council on progress achieved during 2006 under the Tigard-TriMet Memorandum of Understanding (MOU) for improving local transit access and service.

STAFF RECOMMENDATION

Staff Recommends Council discuss with Mr. Hansen any local transit-related issues of concern.

KEY FACTS AND INFORMATION SUMMARY

In 2004, the City entered into a multi-year Memorandum of Understanding with TriMet that calls for the City and agency to work together to increase transit ridership in Tigard. The agreement sets out that this goal is to be achieved through local service and capital improvements. Service improvements include expanding the number and frequency of bus lines, as well as realigning existing bus routes to improve service coverage. Capital improvements include infilling sidewalks to improve pedestrian access to bus stops, as well as expanding the number of bus shelters and benches.

A report summarizing the results of City and TriMet coordinated efforts to enhance local transit access and service during 2006 is attached (Attachment No. 2).

As noted, TriMet General Manager Fred Hansen is scheduled to participate in the meeting.

OTHER ALTERNATIVES CONSIDERED

N/A

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Transportation and Traffic, Goal No. 3, "Alternative modes of transportation are available and use is maximized."

ATTACHMENT LIST

Attachment 1: Tigard-TriMet Memorandum of Understanding

Attachment 2: Tigard-TriMet MOU Annual Progress Report, 2006

FISCAL NOTES

No fiscal impact

I:\LRPLN\Council Materials\2006\12-19-06 AIS TriMet MOU.doc

MEMORANDUM OF UNDERSTANDING
DEVELOPMENT OF TIGARD ACCESS PLAN
PLANNING

Dated: October 7, 2004

Among: The Tri-County Metropolitan Transportation District of Oregon, a mass transit district organized under the laws of the State of Oregon ("TriMet")

And: The City of Tigard, a municipal corporation organized under the laws of the State of Oregon ("Tigard")

RECITALS

- A. TriMet owns and operates a public mass transit system serving the Portland metropolitan area including a rail system operating from the City of Gresham to the City of Hillsboro. Together with Washington County, TriMet is currently planning to construct the Wilsonville to Beaverton Commuter Rail Project ("Commuter Rail"), a 14.7-mile commuter rail line between Beaverton Transit Center and Wilsonville.
- B. Development of Commuter Rail in the Highway 217 corridor provides TriMet and Tigard with a unique opportunity to cooperatively achieve their common goals in the Tigard area (the "Area").
- C. TriMet and Tigard are committed to developing a Tigard access plan (the "Access Plan") to provide for a comprehensive process that will capitalize on the regional efforts surrounding Commuter Rail, in order to improve access, leverage public and private investments, and enhance and promote mobility options in the Area.
- D. This Memorandum of Understanding is intended to document the understandings of TriMet and Tigard with respect to development of the Access Plan.

UNDERSTANDINGS

1. **Development of Access Plan/Planning Coordination of Projects.** It is understood that TriMet and Tigard will meet regularly to develop the Access Plan which efforts shall entail coordination by the parties in planning for projects related to improving access to public transit in the Corridor. The particular projects selected for planning to be included in the Access Plan shall be subject to the mutual agreement of the parties. Types of projects to be included in the Access Plan may include, but not necessarily be limited to:

- Bus stop improvements
- Transit preferential improvements for buses

- Pedestrian access improvements
- Bike access improvements
- Public Information (maps, etc.)

In addition to development of the Access Plan, a final report prepared by the parties will identify longer term projects.

2. **Changes to Bus Routes:** It is understood that TriMet will examine and may implement changes to bus routes in order to improve access to public transit in the Area.

3. **Community Outreach:** It is understood that, in order to involve community members in all aspects related to the Access Plan, TriMet and the City will develop and implement a community outreach strategy targeted toward the diverse community and business members that comprise the Corridor.

4. **General Provisions:**

a. **Term:** This Memorandum of Understanding shall be in effect from December 1, 2004 through the opening of Commuter Rail, and may be extended by mutual agreement of the parties hereto.

b. **Withdrawal:** Either party may withdraw from this Memorandum of Understanding, without penalty or liability of any nature, by providing the other party to this Memorandum of Understanding with ninety (90) days prior written notice of its intent to do so.

c. **Independent Contractors; No Agency:** In connection with this Memorandum of Understanding, each party is an independent contractor for all purposes and will have no authority to bind or commit the other.

d. **No Third Party Beneficiaries:** TriMet and Tigard are the only parties to this Memorandum of Understanding, and as such are the only parties entitled to enforce its terms. Nothing in this Memorandum of Understanding gives or shall be construed to give or provide any benefit, direct, indirect or otherwise, to any third party unless such third party is expressly described by name in a modification or amendment to the Memorandum of Understanding, and such third party is intended by the parties hereto to be a beneficiary of such modification or amendment to this Memorandum of Understanding.

e. **Notices:** All notices and communications under this Memorandum of Understanding shall be directed to the representatives designated below:

For Tri-Met: Tom Mills
Tri-Met
4012 SE 17th Avenue
Portland, Oregon 97202
(503) 962-4883

For Tigard: Duane Roberts
City of Tigard
13125 SW Hall Blvd
Tigard, OR 97223
503-639-4171 ext 2444

Any notices or communications hereunder shall be in writing and deemed effective if deposited in U.S. Mail (Certified return receipt), hand delivered, or transmitted by facsimile with successful confirmation.

f. **Integration:** This MOU contains the entire agreement between the parties as to the subject matter of this MOU and the parties have no obligations except as expressly stated herein. Any waiver, consent, modification, amendment or change to the terms of this MOU must be in writing and signed by the authorized representatives of each party to be effective and binding.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Understanding effective for the dates noted herein.

TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT OF
OREGON (TRIMET)

CITY OF TIGARD

By: Fred Hansen
Fred Hansen
General Manager

By: Craig Diksen
Craig Diksen
Mayor

DRAFT #5

Tigard Local Area Plan

9/17/03

Introduction

This plan responds to Tigard City Council concerns regarding Local TriMet service and executes the Tigard Local Area Plan of TriMet's Transit Investment Plan. It coordinates transit service with capital improvements and builds on the addition of Commuter Rail to gain noticeable enhancements to the total transit system.

Goals

- Improve access to transit
- Maximize transit ridership
- Improve local coverage

Guiding Principles

- Improve transit options for current and potential riders
- Connect neighboring cities
- Coordinate public/private investments to improve transit riding experience
- Incorporate Tigard TSP Key Strategy Priorities:
 1. Commuter Rail (the Local Area Plan will look at connecting commuter rail to the community with bus service, pedestrians and bikes)
 2. (tie) Provide more frequent service, more hours of day
 2. (tie) Express routes to regional employment centers
 2. (tie) Transit amenities (bus shelters, real time information, etc.)
 5. (tie) Provide access to employment areas
 5. (tie) Provide more local transit service
 7. Provide access to commercial areas
 8. Provide park and ride lots
 9. Provide access to activity and service centers

Scope

1. Fixed-Route Analysis
 - Commuter rail connections (emphasis areas around Washington Square and Downtown)
 - Local Service Action Plan
2. Capital Improvements
 - Pedestrian connections for ADA accessibility and safety
 - Pedestrian and bike connections
 - Customer amenities such as shelters and waiting areas

3. Customer Information
 - Signage to transit and major destinations
 - Information at stops including maps and transit tracker
4. Elderly and Disabled
 - Connections to transit and to destinations
 - Travel Training
5. Job Access
 - Low Income Housing Areas
 - Employer pass programs
 - Employer shuttles/vanpool shuttles
 - Employer site pedestrian access to transit
6. Community Outreach
 - On-Board
 - Bus stop postings
 - Neighborhood Meetings/Events
 - Business/Community Newsletters
 - Website
 - Comment Line
 - Fact sheets/Rider alerts/Press releases
 - Advertising
 - Cable TV
 - Employers/Tigard Area Chamber of Commerce

Timeline/Process

Summer '03-Winter '03

- Develop work plan
- Develop MOU
- Review existing plans
- Develop working group
- Develop technical analysis
- Working session with Tigard City Council

Winter '03/'04-Spring '04

- Define stakeholders
- Listen to the Community
- Define Alternatives
- Define Markets
- Identify long list of potential TriMet and City capital improvements

Spring '04-Winter '04/'05

- Work with community/riders
- Develop information for decision-making (analyze alternatives)
- Narrow capital improvement list – define TriMet and City budgets for FY'06
- Tigard City Council update

Winter '04/'05 – Spring '05

- Work with community
- Narrow bus service alternatives
- Prioritize capital list

Spring '05 – Summer '05

- Begin some capital improvements
- Present bus service proposals to community for commuter rail start-up, Spring '07

Summer '05 – Fall '05

- Outreach on proposed bus service
- Continue capital improvement developments
- Develop marketing/safety strategies

Fall '05 – Spring '06

- Implement marketing strategies
- Continue capital improvements
- Finalize projects to be included in FY '06/07 budgets

Spring '07 – Summer '07

- Production of Final Report – Coordinate with other plans such as City's Capital Improvement Plan and TriMet's TIP
- Presentation to Council
- Implement marketing strategies
- Continue capital improvements
- Implement bus changes
- Begin Commuter Rail Operations

Planning Area – Add Map

Tigard-TriMet MOU Annual Progress Report, 2006

This report recaps progress achieved during the past year under the City of Tigard's 2004 MOU with TriMet to improve transit ridership in the City. Tigard continues to be the only service-area jurisdiction to have such an agreement with the transit agency. The MOU makes Tigard a focus for transit investments.

Commuter Rail

The Washington County Commuter Rail is Tigard's top priority (TSP) for transit improvements. The Tigard Transit Center is one of five stations along its route. The Tigard station will have 120 Park and Ride spaces and connect with five TriMet bus lines. The transit project is the first commuter rail in Oregon and one of the few suburban-to-suburban commuter rail projects in the nation. The line will use self-propelled diesel trains to carry passengers between Beaverton, Tigard, Tualatin, and Wilsonville.

In late October, a ground breaking ceremony, attended by both Oregon US Senators, among many other VIPs, was held at the Tigard Transit Center. According the US Deputy Transportation Secretary, who spoke at the ceremony, Commuter Rail "puts the metro area on the leading edge of commuter transportation in the United States."

The first phase of Commuter Rail construction, completed in November, involved the removal and installation of track, ties, and ballast along the existing 14-mile line between Beaverton and Wilsonville. The second phase of construction, beginning in 2007, will include intersection and rail station construction, installation of a modern signal system, and the construction of secondary tracks to allow Commuter Rail and freight trains to pass one another. The launch date for service is September 2008.

In addition to the new Downtown rail station and new transit option available for local residents, two other Commuter Rail components are of significance to Tigard.

Washington Square Station:

While this station is to be located in the City of Beaverton, Commuter Rail will provide access to the Washington Square Mall within the City of Tigard. The Washington Square Station will be served by Line 76 – Beaverton/Tualatin and Line 78 – Beaverton/Lake Oswego, a Tier I priority for frequent service in the TriMet Transit Investment Plan. The Hall Blvd. location was selected over the earlier Scholls Ferry Rd. location, given its better bus and pedestrian connections to more destinations. TriMet has pledged to continue to partner with both Beaverton and Tigard to plan the station area and, in particular, to develop a safe and convenient pedestrian connection from the regional center mall, across HWY 217 to the commuter rail station and on to the Nimbus/Cascade office district.

Portland and Western Railroad Improvements:

Portland and Western Railroad received \$2.9 million in funding for Tigard Rail Yard improvements from the 2006 Connect Oregon program established by the State of Oregon legislature. This project will benefit both commerce and passenger travel along this rail line.

As part of the Region 1 Advisory Committee, TriMet joined in supporting this allocation of funds.

Rail with Trail

As a very preliminary suggestion, the City has asked TriMet to explore the idea of allowing bike/ped access on all, or segments of, the Commuter Rail service road currently being installed within rail corridor. The service road is intended to be unpaved, but a portion potentially could be converted to a paved trail. Rail with Trail is a well-established trail development strategy. Opportunities to integrate the design of a trail sometime in the future should be explored.

Bus Service

Priority service improvements are the same as last year and are listed below. All are revenue dependent and are on hold until funding can be identified. Illustrative of the funding problem faced by the agency is that in the 12-month period ending in April, Tri-Met reduced hours in which buses and trains were in service by 4 per cent. As another part of the picture, in TriMet's 2007 *Transit Investment Plan* " , Fred Hansen points out that " . . . we will not be able to expand service this year because of the continued slow down in the economy. In addition, the high cost of diesel fuel is stretching our already limited resources."

The picture regarding local service improvements is not entirely bleak, however. In addition to Commuter Rail startup, three Tigard-specific service improvements are included in the TriMet *Transit Investment Plan*. Their inclusion is important because it represents an agency commitment to provide the needed improvements whenever the revenue picture improves and financial resources are available. .

1. Frequent Service on Line 76 between Beaverton-Tigard-Tualatin, including potential routing on Hall Boulevard north of Pacific Highway. This is planned to be the next Frequent Service Line. The proposed service would provide a direct connection between Tigard and the Kruse Way employment areas. Line 78 would continue to serve Greenburg Road should Line 76 be rerouted to Hall.
2. Local connections by rerouting Line 38 along Meadows and SW Bonita Road to the Tigard Transit Center and extending another line to cover SW 72nd Avenue and Sequoia Parkway. The Line 38 improvement can happen without increasing costs to operate the route; however SW 72nd Avenue would lose service. Extending another line between SW 72nd Avenue and the Tigard Transit Center would increase the operating costs.
3. Service to the Barrows Road area. This would require an extension of an existing Line (potentially Line 92) and a corresponding increase in operating costs. The provision of this service is tied to the proposed extension of Murray Boulevard from Scholls Ferry to Barrows Road. Significantly, this long-planned road project recently has transitioned to design and construction. The impetus for this transition was the land use decision making the extension of Murray Boulevard a condition of approval for the Progress Quarry Regional Center development. Funding is proposed as a public-private partnership, with ODOT contributing approximately \$1 million for

Bus Stop Improvements

The following bus stop improvements were accomplished or initiated in 2006.

1. A bus shelter was installed on Main and Scoffins westbound. This stop accounts for an average of 383 weekly boarding rides. This and the other shelter on Main will be removed when new, streetscape designed shelters are installed.
2. TriMet is working with ODOT to receive permits to install four shelters along Pacific Highway:
 - a. Pacific Highway and Royal Villa Dr. – 427 weekly boarding rides
 - b. Pacific Highway and Royalty Parkway – 335 weekly boarding rides
 - c. Pacific Highway and 64th – 305 weekly boarding rides
 - d. 11619 Pacific Highway – 161 weekly boarding rides
3. TriMet installed solar lighting in nine shelters along Pacific Highway and one on Main St.:
 - a. Pacific Highway and Durham (NB) – 725 weekly boarding rides
 - b. Pacific Highway and 74th – 718 weekly boarding rides
 - c. Main and Pacific Highway – 707 weekly boarding rides
 - d. Pacific Highway and McDonald – 630 weekly boarding rides
 - e. Pacific Highway and Walnut – 570 weekly boarding rides
 - f. Pacific Highway and Durham (SB) – 505 weekly boarding rides
 - g. Pacific Highway and Hall – 452 weekly boarding rides
 - h. Pacific Highway and 72nd (EB) – 345 weekly boarding rides
 - i. Pacific Highway and 72nd (WB) – 292 weekly boarding rides

Sidewalk Improvements

During 2006, the City focused sidewalk improvement work in the following areas:

1. Tigard completed an \$80,000 sidewalk and bus stop improvement for Line 76 on Hall Boulevard at Bonita Road southbound.
2. Tigard is applying for \$250,000 in grant funding for a new sidewalk and retaining wall for the northbound bus stop at the Hall/Bonita intersection. TriMet intends to install a shelter once the site improvements have been made. TriMet provided a letter in support of the grant funding signed by Fred Hansen. Within the letter, Mr. Hansen comments that “TriMet is a partner in this project and will coordinate with the City of Tigard on site design requirements and install a bus shelter and other amenities at the new bus stop. We have had a very positive experience working with the City during the last few years and know that Tigard will handle the grant and implementation process professionally and efficiently.”
3. Tigard is building 900 feet of sidewalk improvements that will connect Line 12 – Barbur Boulevard with a residential area on Hall Blvd. TriMet provided an endorsement letter for a \$136,725 federal Community Development Block Grant.

The bid process took place in late 2006. Project completion is scheduled for early 2007.

4. The 2006-09 ODOT Statewide Capital Improvement Plan identifies \$654,000 for sidewalk infill along both sides of HWY 99 from the eastern City limits to Canterbury Lane. A draft project prospectus was completed in 2006. Construction is scheduled to begin in 2007.
5. A few years ago Tigard was awarded \$92,000 in Community Development Block Grant (CDBG) funds to build a sidewalk on one side of Commercial St. The sidewalk construction requires the acquisition of a "sliver" of land that TriMet recently acquired from Union Pacific Railroad for the Commuter Rail Project. The additional land is needed in order to bypass the HWY 99 overpass bridge piers. The former railway owner had set a high asking price for the needed land. As the new landowner, TriMet is in the process of reviewing the issue and determining the best means of getting the City the needed access, either through an easement or license agreement.
6. Tigard has applied for \$250,000 in 2007 CDBG funds to build sidewalks on both sides of Garrett Street, connecting to Line 12 on Pacific Highway. TriMet provided a support letter for a previous application for the same improvements, which was included as part of the new application.
7. The City is studying the possibility of building a retaining wall at Pacific Highway and Bull Mountain Road. The retaining wall will prevent mudflows from an adjacent hill. The stop is across the street from a shared use park and ride. According to the Engineering Division, which is studying the retaining wall, no final conclusion has been reached regarding the cost of wall or the project's inclusion in the City's CIP.
8. TriMet and Tigard continue to collaborate to identify and prioritize sidewalk infill, shelter, bench, trashcan, and solar lighting needs near transit stops. The criteria used in this effort include transit stops near senior and disabled facilities and schools.

Planning for Barbur / 99W "High Capacity Transit"

The Barbur/HWY 99W corridor is classified in the 2000 Regional Transportation Plan (RTP) as a Rapid Bus corridor and in TriMet's Transit Investment Plan as "High Capacity Transit". The corridor has not been studied to determine the transit mode, alignment, or station location. At the same time, in 2006 TriMet did advance this project somewhat by completing a very preliminary alignment assessment.

MTIP Request for Redevelopment of the Tigard Transit Center

In June, the City submitted an MTIP application to fund a two-part study of the Tigard Transit Center. The study will address long-term transit development needs in the Downtown including future high capacity transit in the Pacific Highway/HWY 99W corridor. The funding request is for \$160,000 to be matched with \$100,000 of City of Tigard funds.

The first part of the study would assess operations and circulation at the transit center for both buses and pedestrians and would consider what further improvements might be needed to integrate bus operations with commuter rail. The second part of the study will prepare a master plan that will address pedestrian improvements, integration with adjacent redevelopment and open space, and opportunities for new development adjacent to, or as part of, the transit center. A revitalized transit center is intended to spur Downtown redevelopment.

Agenda Item #
Meeting Date

5
December 19, 2006

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Meeting with Oregon Department of Transportation Region 1 Manager, Jason Tell

Prepared By: A.P. Duenas Dept Head Okay TC/jil City Mgr Okay EAM/fir/CP

ISSUE BEFORE THE COUNCIL

Initial meeting with the Oregon Department of Transportation (ODOT) Region 1 Manager, Jason Tell, to discuss various issues of importance to both the City of Tigard and ODOT.

STAFF RECOMMENDATION

That Council establish a continuing dialogue with Mr. Tell, similar to the regular meetings with now ODOT Director Matthew Garrett, with the intent of facilitating the close coordination and partnership with ODOT needed to implement key projects aimed at improving traffic circulation on Highway 99W, Hall Boulevard, and on other arterials and collectors within the City.

KEY FACTS AND INFORMATION SUMMARY

This is the initial meeting with the new Region 1 Manager, Jason Tell. The meetings with the Region 1 Manager are part of an effort to establish a closer working relationship with ODOT staff, to share information of significance, and to help resolve issues that may need direction from top management in ODOT. Council met with the previous Region 1 Manager, Matthew Garrett (now ODOT Director), every six months or so for discussion of current and potential issues. Council wishes to establish a similar continuing dialogue with Mr. Tell.

Some of the issues of significance for discussion at this meeting are:

- The Highway 99W Corridor Improvement and Management Plan preparation is underway and should be completed by June 30, 2007. The Plan is expected to produce a package of projects for future implementation, and some land use recommendations to help improve circulation for all modes of travel. Funding will be needed to design and construct these projects. In addition, ODOT support will be needed to effect land use changes aimed at improving access to adjacent properties and achieving congestion relief on the highway. The City will be looking to partner with ODOT in funding some of these improvements. The discussion of ODOT participation in implementing these improvements needs to begin early in the process and must be continued as projects are identified and prioritized.
- The City is currently considering a local gas tax to provide funding for the improvements to the Greenburg Road/Highway 99W/Main Street intersection. If the local gas tax is approved and implemented, ODOT support and cooperation will be essential to the timely implementation of that project in conjunction with

the Hall Blvd/Highway 99W intersection improvements. The Region 1 Manager can help greatly in ensuring that issues are resolved promptly during this process.

- ODOT, Washington County, and the City began exploratory discussions (initiated and led by ODOT staff) in January 2006 regarding conditions under which jurisdiction for Hall Boulevard could be transferred to either the City or the County. After the initial discussions, nothing has happened regarding the potential transfer. There is a general understanding that Hall Boulevard will have to be significantly improved before the City would consider accepting jurisdiction for that street. However, if ODOT is still pursuing transfer of Hall Boulevard, the City is receptive to continuing those discussions so that the conditions for the transfer of the street can be clearly defined.

The commitment by Mr. Garrett to periodically meet with Council demonstrated his willingness to be proactive in discussing and resolving current and potential issues in a timely manner. Council wishes to establish that same close relationship with Mr. Tell. This close coordination between ODOT and the City will continue to receive strong emphasis as improvement projects are initiated to alleviate congestion on highways and arterials (such as Highway 99W and Hall Boulevard) that are under ODOT jurisdiction but adversely impact intra-city circulation, and as the types of improvements needed to effect a transfer of Hall Boulevard are more clearly understood.

OTHER ALTERNATIVES CONSIDERED

None

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Major projects to improve state facilities in the City support the Tigard Beyond Tomorrow goal of *Improve Traffic Flow* and *Improve Traffic Safety*. The planned improvements to the Hall Blvd/Highway 99W intersection and the proposed improvements to the Greenburg Road/Highway 99W/Main Street intersection support the Council Goal to *Improve 99W Corridor*.

ATTACHMENT LIST

None

FISCAL NOTES

No fiscal requirements at this time. Projects initiated and implemented would be funded through the City's Community Investment Program formulation process. The Hall Blvd/Highway 99W intersection project is funded in the amount of \$4.9 million in the County's MSTIP 3 program, with a maximum additional contribution from ODOT of \$750,000 to supplement the project shortfall and enable the project to meet ODOT requirements prior to construction. The current estimate range for the Greenburg Road/Highway 99W intersection improvements is \$3.5 to \$4.0 million. A 3-cent local gas tax is expected to raise \$4.5 to 5.0 million over a 5 year period. This revenue should be sufficient to fund the project.

Agenda Item #
Meeting Date

6
December 19, 2006

COUNCIL AGENDA ITEM SUMMARY
City Of Tigard, Oregon

Issue/Agenda Title An Ordinance Amending Chapter 12.10.110 of the Tigard Municipal Code (TMC)
Regarding the City's Cross Connection Control Program

Prepared By: Dennis Koellermeier Dept Head Approval:  City Mgr Approval: 

ISSUE BEFORE THE COUNCIL

Shall the Council approve the proposed changes to Chapter 12.10.110 of the TMC regarding the City's Cross Connection Control Program?

STAFF RECOMMENDATION

Adopt the ordinance.

KEY FACTS AND INFORMATION SUMMARY

- A cross connection refers to an actual or potential link between the drinking water system and contaminants, such as chemicals, bacteria, pesticides, or waste water. Since cross connections can pose a significant health hazard, such connections are strictly regulated by the state and the City.
- The City's current Cross Connection Control Program, detailed in Chapter 12.10.110 of the TMC, is outdated.
- The proposed cross connection updates will:
 - Bring the TMC in line with changes in state administrative rules.
 - Clarify certain language
 - Provide staff with better enforcement tools, particularly regarding the annual testing of devices designed to control cross connections.

OTHER ALTERNATIVES CONSIDERED

The Council could choose not to adopt the ordinance.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

None

ATTACHMENT LIST

Proposed Ordinance

Attachment A: TMC Chapter 12.10.110 (Strike-through text is deleted; underlined text is added.)

FISCAL NOTES

There are no costs associated with the adoption of this ordinance.

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 06-_____

AN ORDINANCE AMENDING TIGARD MUNICIPAL CODE CHAPTER 12.10.110
REGARDING THE CITY'S CROSS CONNECTION CONTROL PROGRAM

WHEREAS, it is necessary to protect the water supply from contamination or pollution from potential cross connections; and

WHEREAS, the City is obligated to regulate cross connections for the benefit and protection of the public health; and

WHEREAS, the Tigard Municipal Code pertaining to the City's Cross Connection Control Program is outdated; and

WHEREAS, the following cross connection updates will bring the Tigard Municipal Code in line with state administrative rules, clarify certain language, and provide staff with better enforcement tools.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: Chapter 12.10.110 of the Tigard Municipal Code is amended as shown in Attachment A to this ordinance. (Strike-through text is deleted; underlined text is added.)

SECTION 2: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By _____ vote of all Council members present after being read by number and title only, this _____ day of _____, 2006.

Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2006.

Craig Dirksen, Mayor

Approved as to form:

City Attorney

Date

Note:

*Strike-through text is
deleted; underlined text is
added.*

TIGARD MUNICIPAL CODE

12.10.110 Cross Connection Control Program.

The purpose of this section is to protect the water supply of the City from contamination or pollution from potential cross connections; and to assure that approved backflow prevention assemblies or devices are tested and/or inspected annually as follows:

A. The installation or maintenance of any cross connection which would endanger the water supply of the City is prohibited. Any such cross connection now existing or hereafter installed is hereby declared unlawful and shall be rectified as directed by the City or its authorized representative(s).

B. The control or elimination of cross connections shall be in accordance with the regulations of Oregon State Health Division Department of Human Services and the Oregon Plumbing Specialty Code. The policies, procedures, and criteria for determining appropriate levels of protection shall be in accordance with the Accepted Procedure and Practice in Cross Connection Control Manual, American Water Works Association, Pacific Northwest Section, current edition (OR Admin. Rules, Ch. 333-061.0070).

C. The property owner to whom City water is provided shall install, in accordance with City standards, an approved backflow prevention assembly on the premises where any of the following circumstances exist:

1. Those circumstances identified in regulations adopted under subsection (B) of this section;

2. Where there is a fire protection system, an irrigation system, or a non-residential service connection;

3. Where unique conditions exist. Some examples include: extreme terrain, pipe

elevation changes, or structures greater than three stories in height.

D. A property owner must notify the City if they make any changes to existing plumbing that allows the addition of any chemical or substance into the premise water system.

E. No approved backflow prevention assembly or device shall be disabled, removed, relocated, or substituted without the written approval of the City.

F. All commercial, multi-family, industrial, and institutional properties, regardless of size, shall have an approved reduced pressure principle backflow prevention assembly (RP) on the property owner's side of the water meter.

G. Except as otherwise provided in this subsection, all irrigation systems shall have an approved backflow prevention assembly or device. Irrigation system backflow prevention assemblies installed before the effective date of this ordinance, which were approved at the time of installation, shall be permitted to remain in service provided the assemblies are not moved or modified and are properly maintained. The assemblies must be tested at least annually and perform satisfactorily under Oregon Department of Human Services testing procedures.

H. Any installation, corrective measure, disconnection, or other change to a backflow prevention assembly shall be performed at the sole expense of the property owner. All costs or expenses for any correction or modification to the City's water system caused by or resulting from contamination from a cross connection shall be the responsibility of the property owner.

I. Any backflow prevention assemblies which are installed for the protection of the City water supply shall be tested at the time of installation. All backflow prevention assemblies

TIGARD MUNICIPAL CODE

must also be tested annually, or immediately after being repaired or relocated. The property owner shall forward the results of such testing to the City within ten (10) days of the date of installation, annual testing, repair, or relocation.

J. If the City has not received the result of a test required under subsection (B) or subsection (I) of this section within thirty (30) days of the required date, the City may order a test and shall charge the cost of the test to the property owner.

K. If a property owner fails to repair a faulty backflow prevention assembly within ten (10) days of a test showing the assembly is not operating properly, the City may order the repair of the assembly and shall charge the cost of the repair to the property owner.

L. The City may discontinue water service to any premise for non-payment, in accordance with Tigard Municipal Code Chapter 12.03.030.

~~C.M. It shall be the objective of the City to protect the potable water system from eontamination or pollution due to cross econnections. Water service to any premises shall be contingent upon the property owner providing cross connection control in a manner approved by the City. Backflow devices required to be installed shall be a model approved by the Oregon State Health Division.~~

~~D.N. Authorized City employees, of the City with proper identification, shall have free access, at reasonable hours of the day, to those parts of a premise or within buildings to which water is supplied. Water service may be refused or terminated to any premise for failure to allow necessary inspections.~~

E.O. These requirements must be strictly observed as a matter of public health and to prevent any possible contamination of the water system. (Ord. 93-34)

Agenda Item #

7

Meeting Date

December 19, 2006

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title An Ordinance to Establish a Local Fuel Tax to Provide Funding for Improvements to the Greenburg Road/Highway 99W/Main Street Intersection

Prepared By: A.P. Duenas Dept Head Okay TC City Mgr Okay CR

ISSUE BEFORE THE COUNCIL

Council will consider a proposed ordinance to establish a local fuel tax as the funding source for improvements to the Greenburg Road/Highway 99W/Main Street intersection. Council will conduct a public hearing to hear public testimony on the proposed ordinance as part of this process.

STAFF RECOMMENDATION

That Council consider the ordinance for adoption taking into account public input through the public process conducted by the Transportation Financing Strategies Task Force and the public testimony at this meeting.

KEY FACTS AND INFORMATION SUMMARY

The Transportation Financing Strategies Task Force recommended establishment of a 3-cent local gas tax as a new funding source to design and construct improvements to the Greenburg Road/Highway 99W/Main Street Intersection. The improvements to the Hall Boulevard/Highway 99W intersection (funded through Washington County's MSTIP 3) will not be fully effective in improving circulation and relieving traffic congestion as long as the bottleneck at the Greenburg Road intersection remains. A corresponding improvement to the Greenburg Road intersection is needed to complement the Hall/99W project and improve traffic circulation across and along Highway 99W north of the viaduct to the Highway 217 interchange.

Council requested that the Task Force conduct a public process to obtain input from the gas station dealers and to hear from the general public prior to submission of the proposed ordinance for consideration. To comply with Council's request, the Task Force met with representatives of the gas station dealers on August 28, 2006 and conducted two open houses. The first open house on November 9, 2006 was attended by about 12 citizens (including the Oregon Petroleum Association representative) and the second open house on November 30, 2006 was attended by 6 citizens.

Some of the concerns expressed at the meetings include the following:

- Are the gas station dealers able to pass on the local tax to the consumers? The gas station dealers will not release any supporting information, but indicated that it would be difficult for them to pass on the increase. A point was made that Multnomah County has had a 3-cent gas tax for many years and no one has been complaining about not being able to pass on the tax to the consumers. The gas prices north of Tigard in the City of Portland are typically higher than the highest prices in the City, ranging from 2 to 9 cents more per gallon. The gas prices within the City have a price variance of up to 4 cents per gallon.

- A local gas tax is more equitable than a property tax increase in that users of Highway 99W and other major streets in the City will help pay for the improvements to the Greenburg Road/Highway 99W intersection. A local bond issue would tax only the local residents to pay for fixing a problem that is regional in nature.
- Is the City short-sighted in considering only this one project? People will support bigger solutions. There are many other problems along the Highway 99W corridor—the local gas tax should be established for a 20-year period and should be used to issue bonds for more projects as time goes on. The Highway 99W Corridor Improvement and Management Plan will provide a list of high-priority projects for consideration.
- The Oregon Petroleum Association representative expressed a strong preference for a statewide gas tax increase versus local gas tax implementation by various jurisdictions. He admitted that a statewide increase would be difficult to achieve but should be pursued as a preferred alternative to a local gas tax. The Task Force challenged the association and the gas station dealers to strongly support a statewide increase.

The proposed ordinance originally submitted to Council at the meeting on September 19, 2006 has been revised to reflect some of the input received during the public process. The following are some of the key points in the attached revised ordinance:

- The ordinance establishes the local fuel tax at a rate of 3 cents per gallon
- The local fuel tax ordinance is modeled after the State law for the State motor vehicle fuel tax
- The revenue from the proposed 3-cent tax will be totally dedicated to the Greenburg Road/Highway 99W/Main Street intersection improvement project
- The ordinance includes a 5-year sunset clause
- The ordinance also includes provisions for reduction of the tax if the State gas tax is increased, or if Washington County increases its current 1-cent gas tax. Because the City has a disproportionate number of service stations within the City limits, the credit to the local tax for State or County revenue from any fuel tax increases will be based on amount of revenue received from either or both sources during the period the local tax is in effect.

OTHER ALTERNATIVES CONSIDERED

Do not consider a local fuel tax at this time.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Traffic circulation improvements at the Greenburg Road/Highway 99W/Main Street intersection address the Council Goal to "Improve 99W Corridor." These improvements also support the Tigard Beyond Tomorrow Transportation and Traffic goals of "Improve Traffic Flow" and "Improve Traffic Safety." The establishment of the local gas tax would meet the Tigard Beyond Tomorrow Transportation and Traffic goal of "Identify and Develop Funding Resources."

ATTACHMENT LIST

Proposed Motor Vehicle Fuel Tax Ordinance

FISCAL NOTES

A 3-cent local fuel tax is expected to produce revenue of approximately \$900,000 to \$1,000,000 annually. The improvements to the Greenburg Road/Highway 99W/Main Street intersection are estimated at \$3.5 to \$4.0 million. Anticipated revenues of \$4.5 to \$5.0 million over a 5-year period would be sufficient to fund the project. Depending upon the timing of the various phases of the project, the funding could be made available as needed through revenue bonds with repayment of that debt from the fuel tax revenues each year.

CITY OF TIGARD, OREGON

ORDINANCE NO. 06-_____

AN ORDINANCE CREATING AND IMPOSING A TAX ON MOTOR VEHICLE FUEL DEALERS; PROVIDING FOR ENFORCEMENT, ADMINISTRATION AND COLLECTION OF THE TAX; AND AMENDING THE TIGARD MUNICIPAL CODE BY ADDING A NEW CHAPTER 3.65.

WHEREAS, Tigard is an Oregon home-rule municipal corporation having the authority and power under the terms of its Charter to exercise all the powers and authority that the constitution, statutes and common law of the United States and this State expressly or impliedly grant or allow as though each such powers were specifically enumerated therein;

WHEREAS, said authority and power includes the authority to impose a tax on the sale of motor vehicle fuel sold within the City;

WHEREAS, the City Council wishes to exercise that power and to limit the use of any revenues generated by said tax to purposes associated with the administration, construction, reconstruction, improvement, repair, maintenance, operation and use of public highways, roads and streets within the city;

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: Tigard Municipal Code is amended by adding a new Chapter 3.65 Motor Vehicle Fuel Tax, to read as follows:

Chapter 3.65 MOTOR VEHICLE FUEL TAX

| | |
|-----------------|---|
| 3.65.010 | Short Title |
| 3.65.015 | Purpose |
| 3.65.020 | Definitions |
| 3.65.030 | Tax Imposed |
| 3.65.040 | Amount and Payment |
| 3.65.050 | Permit Requirements |
| 3.65.060 | Permit Applications and Issuance |
| 3.65.070 | Failure to Secure Permit |
| 3.65.080 | Revocation of Permit |
| 3.65.090 | Cancellation of Permit |
| 3.65.100 | Remedies Cumulative |
| 3.65.110 | Payment of tax and Delinquency |
| 3.65.120 | Monthly Statement of Dealer |

Ordinance No. 06-

| | |
|-----------------|---|
| 3.65.130 | Failure to File Monthly Statements |
| 3.65.140 | Billing Purchasers |
| 3.65.150 | Failure to Provide Invoice or Delivery Tag |
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| 3.65.270 | Use of Tax Revenues |

3.65.010 Short Title

The provisions of this Chapter shall be known and may be cited as the "City of Tigard Motor Vehicle Fuel Tax Ordinance".

3.65.015 Purpose

The purpose of the motor vehicle fuel tax is to raise revenues necessary for the construction, reconstruction, improvement, repair, maintenance, operation and use of the public street system in the city.

3.65.020 Definitions.

As used in this ordinance, unless the context requires otherwise:

1. "City" means City of Tigard, a municipal corporation of the State of Oregon.
2. "Dealer" means any person who:
 - a. Imports or causes to be imported motor vehicle fuel for sale, use or distribution in, and after the same reaches the city, but "Dealer" does not include any person who imports into the city motor vehicle fuel in quantities of 500 gallons or less purchased from a supplier who is licensed as a dealer hereunder and who assumes liability for the payment of the applicable motor vehicle fuel tax to the city; or
 - b. Produces, refines, manufactures or compounds motor vehicle fuels in the city for use, distribution or sale in the city; or

c. Acquires in the city for sale, use or distribution in the city motor vehicle fuel with respect to which there has been no motor vehicle fuel tax previously incurred.

3. "Distribution" means, in addition to its ordinary meaning, the delivery of motor vehicle fuel by a dealer to any service station or into any tank, storage facility or series of tanks or storage facilities connected by pipelines, from which motor vehicle fuel is withdrawn directly for sale or for delivery into the fuel tanks of motor vehicles whether or not the service station, tank or storage facility is owned, operated or controlled by the dealer.

4. "Highway" means every way, thoroughfare and place of whatever nature, open for use of the public for the purpose of vehicular travel.

5. "Motor Vehicle" means all vehicles, engines or machines, movable or immovable, operated or propelled by the use of motor vehicle fuel.

6. "Motor Vehicle Fuel" means and includes diesel and gasoline and any other flammable or combustible gas or liquid, by whatever name such as diesel and gasoline, gas or liquid is known or sold, usable as fuel for the operation of motor vehicles, except gas or liquid, the chief use of which, as determined by the tax administrator, is for purposes other than the propulsion of motor vehicles upon the highways.

7. "Person" includes every natural person, association, firm, partnership, corporation, joint venture or other business entity.

8. "Service Station" means and includes any place operated for the purpose of retailing and delivering motor vehicle fuel into the fuel tanks of motor vehicles.

9. "Tax Administrator" means the city manager, the city manager's designee, or any person or entity with whom the city manager contracts to perform those duties.

3.65.030 Tax Imposed.

A motor vehicle fuel tax is hereby imposed on every dealer. The tax imposed shall be paid monthly to the tax administrator. The tax administrator is authorized to exercise all supervisory and administrative powers with regard to the enforcement, collection and administration of the motor vehicle fuel tax, including all powers specified in ORS 319.010 to 319.430. The motor vehicle fuel tax shall remain in effect through December 31, 2011, but shall not remain in effect after that date unless renewed by ordinance of the City Council. Renewal of the tax shall be set for council consideration in the first half of calendar year 2011.

3.65.040 Amount and Payment.

In addition to any fees or taxes otherwise provided for by law, every dealer engaging in his own name, or in the name of others, or in the name of his representatives or agents in the city, in the sale, use or distribution of motor vehicle fuel, shall:

a. Not later than the 25th day of each calendar month, render a statement to the tax administrator or duly authorized agent of all motor vehicle fuel sold, used or distributed by him/her in the city as well as all such fuel sold, used or distributed in the city by a purchaser thereof upon which sale, use or distribution the dealer has assumed liability for the applicable motor vehicle fuel tax during the preceding calendar month.

b. Pay a motor vehicle fuel tax computed on the basis of 3 cents per gallon of such motor vehicle fuel so sold, used or distributed as shown by such statement in the manner and within the time provided in this ordinance. In the event that the State of Oregon or Washington County increase their taxes on motor vehicle fuel, the City, which receives a share of those taxes, shall reduce the rate established by this section so that the City's total revenue from fuel taxes remains what it would have been without the State or County increases.

2. In lieu of claiming refund of the tax as provided in Section 3.65.210, or of any prior erroneous payment of motor vehicle fuel tax made to the city by the dealer, the dealer may show such motor vehicle fuel as a credit or deduction on the monthly statement and payment of tax.

3. The motor vehicle fuel tax shall not be imposed wherever it is prohibited by the Constitution or laws of the United States or of the State of Oregon.

3.65.050 Permit Requirements.

No dealer shall sell, use or distribute any motor vehicle fuel until he/she has secured a dealer's permit as required herein.

3.65.060 Permit Applications and Issuance.

1. Every person, before becoming a dealer in motor vehicle fuel in this city, shall make an application to the tax administrator for a permit authorizing such person to engage in business as a dealer.

2. Applications for the permit must be made on forms prescribed, prepared and furnished by the tax administrator.

3. The applications shall be accompanied by a duly acknowledged certificate containing:

- a. The business name under which the dealer is transacting business.
 - b. The address of the applicant's principal place of business and location of distributing stations in the city.
 - c. The name and address of the managing agent, the names and addresses of the several persons constituting the firm or partnership and, if a corporation, the corporate name under which it is authorized to transact business and the names and addresses of its principal officers and registered agent.
4. If an application for a motor vehicle fuel dealer's permit is complete and has been accepted for filing, the tax administrator shall issue to the dealer a permit in such form as the tax administrator may prescribe to transact business in the city. The permit so issued is not assignable, and is valid only for the dealer in whose name it is issued.
 5. The tax administrator shall keep and file all applications with an alphabetical index thereof, together with a record of all permitted dealers.

3.65.070 Failure to Secure Permit.

1. If any dealer sells, distributes or uses any motor vehicle fuel without first filing the certificate and securing the permit required by Section 3.65.060, the motor vehicle fuel tax shall immediately be due and payable on account of all motor vehicle fuel so sold, distributed or used.
2. The tax administrator shall proceed forthwith to determine, from as many available sources as the tax administrator determines reasonable, the amount of tax due, and shall assess the tax in the amount found due, together with a penalty of 100% of the tax, and shall make a certificate of such assessment and penalty. In any suit or proceeding to collect such tax or penalty or both, the certificate shall be prima facie evidence that the dealer therein named is indebted to the city in the amount of the tax and penalty stated.
3. Any tax or penalty so assessed may be collected in the manner prescribed in section 3.65.110 with reference to delinquency in payment of the tax or by action at law.
4. In the event any suit or action is instituted to enforce this section, if the city is the prevailing party, the city shall be entitled to recover from the person sued reasonable attorney's fees at trial or upon appeal of such suit or action, in addition to other sums provided by law.

3.65.080 Revocation of Permit.

The tax administrator may revoke the permit of any dealer who fails to comply with any provision of sections 3.65.020 to 3.65.279. The tax administrator shall mail by certified mail addressed to such dealer at his last known address appearing on the files of the tax administrator,

a notice of intention to cancel. The notice shall give the reason for the cancellation. The cancellation shall become effective without further notice if within 10 days from the mailing of the notice the dealer has not made good its default or delinquency.

3.65.090 Cancellation of Permit.

1. The tax administrator may, upon written request of a dealer, cancel a permit issued to the dealer. The tax administrator shall, upon approving the dealer's request for cancellation, set a date not later than 30 days after receipt of the written request, after which the permit shall no longer be effective.

2. The tax administrator may, after 30 days' notice has been mailed to the last known address of the dealer, cancel the permit of the dealer upon finding that the dealer is no longer engaged in the business of a dealer.

3.65.100 Remedies Cumulative.

Except as otherwise provided in Sections 3.65.110 and 3.65.130, the remedies provided in Sections 3.65.070, 3.65.080 and 3.65.090 are cumulative. No action taken pursuant to those sections shall relieve any person from the penalty provisions of this code.

3.65.110 Payment of Tax and Delinquency.

1. The motor vehicle fuel tax imposed by sections 3.65.030 and 3.65.040 shall be paid to the tax administrator on or before the 25th day of each month.

2. Except as provided in subsections (3) and (4) of this section, if payment of the motor vehicle fuel tax is not paid as required by subsection (1) of this section, a penalty of one percent of such motor vehicle fuel tax shall be assessed and be immediately due and payable.

3. Except as provided in subsection (4) of this section, if payment of the tax and penalty, if any, is not made on or before the 1st day of the next month following that month in which payment is due, a further penalty of 10 percent of the tax shall be assessed. Said penalty shall be in addition to the penalty provided for in subsection (2) of this section, and shall be immediately due and payable.

4. Penalties imposed by this section shall not apply if a penalty has been assessed and paid pursuant to section 3.65.070. The tax administrator may for good cause shown waive any penalties assessed under this section.

5. If any person fails to pay the motor vehicle fuel tax or any penalty provided for by this section, the tax and/or penalty shall be collected from that person for the use of the city. The

tax administrator shall commence and prosecute to final determination in any court of competent jurisdiction an action to collect the same.

6. In the event any suit or action is instituted to collect the motor vehicle fuel tax or any penalty provided for by this section, if the city is the prevailing party, the city shall be entitled to recover from the person sued reasonable attorney's fees at trial or upon appeal of such suit or action, in addition to other sums provided by law.

7. No dealer who collects from any person the tax provided for herein shall knowingly and willfully fail to report and pay the same to the City as required herein.

3.65.120 Monthly Statement of Dealer.

Every dealer in motor vehicle fuel shall provide to the tax administrator on or before the 25th day of each month, on forms prescribed, prepared and furnished by the tax administrator, a statement of the number of gallons of motor vehicle fuel sold, distributed or used by him during the preceding calendar month. The statement shall be signed by the dealer or the dealer's agent.

All statements filed with the City, as required in this section, are public records.

3.65.130 Failure to File Monthly Statements.

If a dealer fails to file any statement required by Section 3.65.120, the tax administrator shall proceed forthwith to determine from as many available sources as the tax administrator determines to be reasonable the amount of motor vehicle fuel sold, distributed or used by such dealer for the period unreported, and such determination shall in any proceeding be prima facie evidence of the amount of such fuel sold, distributed or used. The tax administrator shall immediately assess the dealer for the motor vehicle fuel tax upon the amount determined, adding thereto a penalty of ten percent of the tax. The penalty shall be cumulative to other penalties provided in this code.

3.65.140 Billing Purchasers.

Dealers in motor vehicle fuels shall render bills to all purchasers of motor vehicle fuel. The bills shall separately state and describe the different products sold or shipped thereunder and shall be serially numbered except where other sales invoice controls acceptable to the tax administrator are maintained.

3.65.150 Failure to Provide Invoice or Delivery Tag.

No person shall receive and accept motor vehicle fuel from any dealer, or pay for the same, or sell or offer the motor vehicle fuel for sale, unless the motor vehicle fuel is accompanied by an invoice or delivery tag showing the date upon which motor vehicle fuel was delivered, purchased or sold, and the name of the dealer in motor vehicle fuel.

3.65.160 Transporting Motor Vehicle Fuel in Bulk.

Every person operating any conveyance for the purpose of hauling, transporting or delivering motor vehicle fuel in bulk shall, before entering upon the public highways of the city with such conveyance, have and possess during the entire time of the hauling or transporting of such motor vehicle fuel, an invoice, bill of sale or other written statement showing the number of gallons, the true name and address of the seller or consignor, and the true name and address of the buyer or consignee, if any, of the same. The person hauling such motor vehicle fuel shall at the request of any officer authorized by law to inquire into or investigate such matters, produce and offer for inspection the invoice, bill of sale or other statement.

3.65.170 Exemption of Export Fuel.

1. The motor vehicle fuel tax imposed by sections 3.65.030 and 3.65.040 shall not be imposed on motor vehicle fuel:

a. Exported from the city by a dealer; or

b. Sold by a dealer in individual quantities of 500 gallons or less for export by the purchaser to an area or areas outside the city in containers other than the fuel tank of a motor vehicle, but every dealer shall be required to report such exports and sales to the city in such detail as may be required.

2. In support of any exemption from motor vehicle fuel taxes claimed under this section other than in the case of stock transfers or deliveries in his own equipment, every dealer must execute and file with the tax administrator an export certificate in such form as shall be prescribed, prepared and furnished by the tax administrator, containing a statement, made by some person having actual knowledge of the fact of such exportation, that the motor vehicle fuel has been exported from the city, and giving such details with reference to such shipment as the tax administrator may require. The tax administrator may demand of any dealer such additional data as is deemed necessary in support of any such certificate, and failure to supply such data will constitute a waiver of all right to exemption claimed by virtue of such certificate. The tax administrator may, in a case where tax administrator believes no useful purpose would be served by filing of an export certificate, waive the filing of the certificate.

3. Any motor vehicle fuel carried from the city in the fuel tank of a motor vehicle shall not be considered as exported from the city.

4. No person shall, through false statement, trick or device, or otherwise, obtain motor vehicle fuel for export as to which the city tax has not been paid and fail to export the same, or any portion thereof, or cause the motor vehicle fuel or any portion thereof not to be exported, or divert or cause to be diverted the motor vehicle fuel or any portion thereof to be used, distributed or sold in the city and fail to notify the tax administrator and the dealer from whom the motor vehicle fuel was originally purchased of his/her act.

5. No dealer or other person shall conspire with any person to withhold from export, or divert from export or to return motor vehicle fuel to the city for sale or use so as to avoid any of the fees imposed herein.

6. In support of any exemption from taxes on account of sales of motor vehicle fuel in individual quantities of 500 gallons or less for export by the purchaser, the dealer shall retain in his/her files for at least three years an export certificate executed by the purchaser in such form and containing such information as is prescribed by the tax administrator. This certificate shall be prima facie evidence of the exportation of the motor vehicle fuel to which it applies only if accepted by the dealer in good faith.

3.65.175 Sales to Armed Forces Exempted.

The license tax imposed by sections 3.65.030 and 3.65.040 shall not be imposed on any motor vehicle fuel sold to the Armed Forces of the United States for use in ships, aircraft or for export from the city; but every dealer shall be required to report such sales to the tax administrator in such detail as may be required. A certificate by an authorized officer of such Armed Forces shall be accepted by the dealer as sufficient proof that the sale is for the purpose specified in the certificate.

3.65.190 Fuel in Vehicle Coming into City Not Taxed.

Any person coming into the city in a motor vehicle may transport in the fuel tank of such vehicle, motor vehicle fuel for his/her own use only and for the purpose of operating such motor vehicle without securing a permit or paying the tax provided in Sections 3.65.030 and 3.65.040, or complying with any of the provisions imposed upon dealers herein, but if the motor vehicle fuel so brought into the city is removed from the fuel tank of the vehicle or used for any purpose other than the propulsion of the vehicle, the person so importing fuel into the city shall be subject to all the provisions herein applying to dealers.

3.65.200 Fuel Sold or Delivered to Dealers.

1. A dealer selling or delivering motor vehicle fuel to dealers is not required to pay a motor vehicle fuel tax thereon.

2. The dealer in rendering monthly statements to the city as required by Sections 3.65.040 and 3.65.120 shall show separately the number of gallons of motor vehicle fuel sold or delivered to dealers.

3.65.210 Refunds.

Refunds will be made pursuant to ORS 319.280 to 319.320. Claim forms for refunds may be obtained from the tax administrator's office.

3.65.220 Examination and Investigations.

The tax administrator, or duly authorized agents, may make any examination of accounts, records, stocks, facilities and equipment of dealers, service stations and other persons engaged in storing, selling or distributing motor vehicle fuel or other petroleum product or products within this city, and such other investigations as it considers necessary in carrying out the provisions of sections 3.65.020 through 3.65.279. If the examinations or investigations disclose that any reports of dealers or other persons theretofore filed with the tax administrator pursuant to the requirements herein, have shown incorrectly the amount of gallonage or motor vehicle fuel distributed or the tax accruing thereon, the tax administrator may make such changes in subsequent reports and payments of such dealers or other persons, or may make such refunds, as may be necessary to correct the errors disclosed by its examinations or investigations. The dealer shall reimburse the city for reasonable costs of the examination or investigation if the action disclosed that the dealer paid 95 percent or less of the tax owing for the period of the examination or investigation. In the event that such examination or investigation results in an assessment by and an additional payment due to the city, such additional payment shall be subject to interest at the rate of 18 percent per year from the date the original tax payment was due.

3.65.230 Limitation on Credit for or Refund of Overpayment and on Assessment of Additional Tax.

1. Except as otherwise provided in this ordinance, any credit for erroneous overpayment of tax made by a dealer taken on a subsequent return or any claim for refund of tax erroneously overpaid filed by a dealer must be so taken or filed within three years after the date on which the overpayment was made to the city.

2. Except in the case of a fraudulent report or neglect to make a report, every notice of additional tax proposed to be assessed under this code shall be served on dealers within three years from the date upon which such additional taxes become due, and shall be subject to penalty as provided in section 3.65.110.

3.65.240 Examining Books and Accounts of Carrier of Motor Vehicle Fuel.

The tax administrator or duly authorized agents may at any time during normal business hours examine the books and accounts of any carrier of motor vehicle fuel operating within the City for the purpose of enforcing the provisions of this ordinance.

3.65.250 Records to be Kept by Dealers.

Every dealer in motor vehicle fuel shall keep a record in such form as may be prescribed by the tax administrator of all purchases, receipts, sales and distribution of motor vehicle fuel. The records shall include copies of all invoices or bills of all such sales and shall at all times during the business hours of the day be subject to inspection by the tax administrator or authorized officers or agents of the tax administrator.

3.65.260 Records to be Kept Three Years.

Every dealer shall maintain and keep, for a period of three years, all records of motor vehicle fuel used, sold and distributed within the city by such dealer, together with stock records, invoices, bills of lading and other pertinent papers as may be required by the tax administrator. In the event such records are not kept within the state of Oregon, the dealer shall reimburse the tax administrator for all travel, lodging, and related expenses incurred by the tax administrator in examining such records. The amount of such expenses shall be an additional tax imposed by section 3.65.030.

3.65.270 Use of Tax Revenues.

1. For the purposes of this section, net revenue shall mean the revenue from the tax imposed by sections 3.65.020 through 3.65.279 remaining after providing for the cost of administration and any refunds and credits authorized herein.

2. The net revenue shall be used only for the construction, reconstruction, improvement, repair, maintenance, operation and use of public highways, roads and streets within the city. The net revenue shall be used exclusively for improvements to the Greenburg Road/Highway 99 intersection. The City shall cease collecting the tax once the improvements are fully funded.

SECTION 2: The tax imposed pursuant to section 3.65.030 shall take effect only after the tax administrator has developed the necessary forms and documents to administer the tax. The tax administrator shall declare when the tax shall take effect, and give not less than 15 days notice of the date before the tax may take effect. The tax administrator's decision as to the effective date of the tax and the type of notice to provided shall be final and not subject to review.

SECTION 3: If any portion of this Chapter is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 3: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By _____ vote of all Council members present after being read by number and title only, this _____ day of _____, 2006.

Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2006.

Craig E. Dirksen, Mayor

Approved as to form:

City Attorney

Date

Agenda Item #
Meeting Date

8
December 19, 2006

COUNCIL AGENDA ITEM SUMMARY
City of Tigard, Oregon

Issue/Agenda Title FOURTH QUARTER COUNCIL GOAL UPDATE
Prepared By: Joanne Bengtson JB Dept Head Okay EAM for CP City Mgr Okay EAM for CP

ISSUE BEFORE THE COUNCIL AND KEY FACTS

Progress report on the Council goals for the 4th and final quarter of 2006.

STAFF RECOMMENDATION

Review the update.

KEY FACTS AND INFORMATION SUMMARY

Attached are brief summaries of the progress made on the goals developed by Council in January 2006.

OTHER ALTERNATIVES CONSIDERED

N/A

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Goals are identified throughout the document.

ATTACHMENT LIST

1- Fourth Quarter Goal Update Report

FISCAL NOTES

N/A

2006 Final Goal Update

1. Revise City of Tigard Comprehensive Plan

- Complete draft by year end

4th Quarter Update:

- A meeting with the Vision Task Force was held on November 30 to transition their past work to the Comprehensive Plan update.

3rd Quarter Update:

- Cityscape article series continues
- Webpage updated
- Electronic NewsList update sent monthly
- Twice-monthly meetings held with Planning Commission
- Phase II: Inventory/data collection continues
 - Environmental Quality topic completed
 - Community – housing, economy – draft report completed
 - Natural Resources draft report completed
 - Public Facilities, Transportation to take place this fall

2nd Quarter Update:

- Cityscape article series continues
- Webpage updated
- Electronic NewsList established; electronic news update sent monthly
- Monthly meetings held with the Planning Commission
- Phase I completed
 - Community Attitudes Survey completed in June; results presented to Council on June 20 and 27
 - Issues and Values summary presented to Council July 18
- Phase II: Inventory/data collection continues
 - Environmental Quality, Natural Resources data to be completed in summer
 - Community; Public Facilities and Services topics begun
 - Internal Team established to coordinate efforts, data between departments

1st Quarter Update:

A Senior Planner was hired in January to develop and lead the work program. The work program was reviewed by City Council and Planning Commission in February; Planning Commission is the project Steering Committee. The Public Involvement structure was reviewed by the Committee for Citizen Involvement and Planning Commission in February and March.

Project launches (Phase I) in April:

- Cityscape article series starts
- Data collection on current conditions begins in April
- Define Issues and Values
 1. Review of previous surveys and Tigard Beyond Tomorrow
 2. Proposals solicited for Community Attitudes Survey consultant; selection and contract to be finalized; survey occurs April-May.

2. Implement Downtown Plan

- Implement catalyst projects including improvements to Burnham Street and identify & purchase land for a Downtown public gathering place.

4th Quarter Update:

Fanno Creek Public Area

The Fanno Creek Master Plan for the area between Hall Blvd. & Main Street was sent out for proposal in December.

3rd Quarter Update:

Tigard Downtown Implementation Strategy

- The Strategy was adopted by City Council on August 8th. It addresses implementation of the Downtown Plan including the catalyst projects and contains three (3) key strategies, thirty (30) supporting strategies, provides a 3-Year Action Plan, and 1-Year Work Program.
- *Benchmarks:* The Downtown Implementation Strategy will be updated and adopted by Council annually. Adoption of the annual work program which is part of the Strategy provides endorsement and direction of Staff work for the upcoming fiscal year.

Streetscape Enhancement Program

- The Streetscape Plan, which is a catalyst project, was adopted by City Council on September 26th. Conceptual design for key downtown streets, gateways and public spaces will be incorporated into final design documents as appropriate.
- *Benchmarks:* The contract has been completed and the documents reviewed and adopted by Council.

Hall Boulevard Downtown Gateway

- OTAK, Inc. has begun work to identify right-of-way (ROW) for a potential gateway at Hall Blvd. / 99W. The project has been postponed due to cost impact concerns. The City will continue its involvement in potential gateway improvements, and incorporate public involvement as necessary.
- *Benchmarks:* Specific design of a gateway and pedestrian improvements is anticipated for December '06.

Burnham St Improvements

- A contract with OTAK, Inc. was finalized and final engineering drawings for Burnham Street have been started.
- The CIP Budget has provided for engineering, ROW, and construction for Burnham Street over the next two fiscal years.
- *Benchmarks:* Engineering design and ROW acquisition will occur during FY 06-07, and construction FY 07-08.

Fanno Creek Public Area

- Negotiations for purchase of floodplain properties in the area of the proposed public gathering place continue. The City is working with two property owners to acquire properties.
- *Benchmarks:* Anticipated completion of negotiations: March 2007.
- A Master Plan for Fanno Creek Park has been scheduled for FY 06-07. Funding has been identified and the project has been included in the CIP budget for the fiscal year.
- *Benchmarks:* Completion of a Master Plan for Fanno Creek Park and the proposed Public Area is anticipated for June 30, '07.

2nd Quarter Update:

Tigard Downtown Implementation Strategy

- The Strategy addresses implementation of the Downtown Plan, its catalyst projects, and provides a three-year Action Plan and a one-year Work Program. A near-final version of the Downtown Implementation Strategy was completed, and reviewed by the CCAC, Executive Staff, Planning Staff, and City Council.
Benchmarks: The Strategy has been endorsed by the CCAC and is recommended for approval by Council (CCDA) on July 11.

Streetscape Enhancement Program

Council Goal Update

- Concept designs for Burnham Street, Main Street, and Commercial Street West have been completed. Conceptual design work has been endorsed by the Streetscape Working Group and presented to the City Council. A final report is due August '06.

Benchmarks: Contract executed December '05. Contract to be completed: August '06.

Hall Boulevard Downtown Gateway

- OTAK, Inc. has begun work to identify right of way for a potential gateway at Hall Boulevard/99W.

Benchmarks: Specific design of gateway and pedestrian improvements is anticipated for December '06.

Burnham Street Improvements

- The Community Investment Program Budget has provided for engineering, right-of-way, and construction for Burnham Street over the next two fiscal years.

Benchmarks: Engineering design and right-of-way acquisition will occur FY 06-07 and construction FY 07-08.

- The concept design for Burnham Street has been completed by OTAK, Inc. and accepted by the Streetscape Working Group and City Council.

Benchmarks: Began – December '05. Completion – April '06. Adoption of a final report is anticipated August '06.

Fanno Creek Public Area

- Negotiations for purchase of floodplain properties in the area of the proposed public gathering place continue. It is anticipated that the City will be successful in purchasing the Steven's Marine floodplain property and has arranged for property appraisal.

Benchmarks: Anticipated completion of negotiations –January 2007

- A Master Plan for Fanno Creek Park has been scheduled for FY 06-07. Funding has been identified and the project has been included in the Community Investment Program budget for the fiscal year.

Benchmarks: Completion of a Master Plan for Fanno Creek Park and the proposed Public Area is anticipated for June 30, 2007.

1st Quarter Update:

Streetscape Enhancement Program

- Solicited RFP and entered into contract with OTAK, Inc. for a Comprehensive Streetscape Design contract.

- Coordinated design and public involvement process for Streetscape Design in the Downtown (ongoing until completion July '06)

Benchmarks: Contract executed December '05. Contract to be completed: July '06.

Hall Boulevard Downtown Gateway

- Identified opportunity to provide design input with Washington County for the Hall Blvd/99W Intersection.

- Amended Streetscape Contract to have OTAK, Inc. assist the City in identifying design modification including pedestrian improvements, landscaping and a potential Gateway.

Benchmarks: Contract executed: March '06. Anticipated completion: November '06.

Burnham St Improvements

- Development of a Downtown Implementation Strategy to prioritize Catalyst Project, CIP Projects, and actions to undertake redevelopment.

Benchmarks: Began Strategy: January '06. Completed (draft): March 15. Anticipated review by CCAC and City Council: April '06.

- Prioritize work with Streetscape Consultant (OTAK, Inc.) to identify design options and build consensus for Burnham Street.

Benchmarks: Began: December '05. Anticipated completion time: April '06.

- Identify funding sources and design/construction schedule for Burnham Street for FY 06-07 Capital Improvement Project (CIP) Budget.

Benchmarks: Began: December '05. Anticipated completion: May '06.

Fanno Creek Public Area

- Pursuing acquisition in FY 05-06 of floodplain properties in the area of the proposed public gathering place adjacent to Fanno Creek Park.
Benchmarks: Begin discussions with property owners: February '06 Anticipated completion of negotiations: June '06.
- Prioritize the master planning of Fanno Creek Park and its connection to Downtown for FY 06-07 pending funding availability.
Benchmarks: Proposed for Budget FY '06-07. Anticipated completion: June 30, '07.

- **Work to assure passage of the Urban Renewal Plan Ballot measure ***

***THIS GOAL IS DIRECTED TO CITY COUNCILORS, NOT CITY STAFF. STAFF CANNOT PROMOTE OR OPPOSE BALLOT MEASURES IN THE COURSE OF THEIR WORK. THE FOLLOWING ITEMS ARE EFFORTS THE STAFF HAS MADE TO PROVIDE IMPARTIAL, FACTUAL INFORMATION TO CITIZENS.**

Goal Completed

3rd Quarter Update:

The Urban Renewal Ballot Measure passed on May 16, 2006. Efforts to educate the public with regard to the Ballot Measure were limited due to legal requirements but information was made available, and City staff wrote articles for Cityscape, coordinated with local newspapers, and produced a video on Urban Renewal which was run on Cable TV, on line, and made available at the library.

2nd Quarter Update:

Urban Renewal Video, City Articles, City Website Update

- The following projects were completed prior to the Urban Renewal Ballot Measure: production and release of a video about Downtown Tigard and Urban Renewal, articles on the Downtown and Urban Renewal in the *Cityscape* publication, and update of the City's website to include sections on the Downtown. The video was shown on public access television and placed on continuous play in the library.
Benchmarks: Articles placed in *Cityscape* monthly issues leading up to the Ballot Measure, complete of video three- to six-weeks prior to election date, City website updated two- to three-months prior to election date.

1st Quarter Update:

- Update the City's website to include section on Downtown, the Tigard Downtown Improvement Plan and Urban Renewal
Benchmarks: Started website update January '06. Anticipated completion: March 22, '06
- Coordinate the production of a video to convey ideas and information about the Tigard Downtown Improvement Plan, its formation and Urban Renewal
Benchmarks: Began video production December '05. Anticipated completion: March 30, '06.
- Write features articles on the Downtown and Urban Renewal in the Cityscape publication.
Benchmarks: Wrote articles for Cityscape publication on Downtown and Urban Renewal which were included in included February, March, April and May issues.
- **Identify and make changes to the Tigard Development Code needed to implement the Downtown Plan (e.g., zoning overlays, design standards)**

4th Quarter Update:

The City Center Advisory Commission forwarded their overall concept to the Planning Commission for their consideration at the December work session.

3rd Quarter Update

- Staff developed and presented to City Council the initial evaluation and set of recommendations for new regulations and design guidelines in the Downtown.

- The recommendations entitled "Framework Report" was reviewed and endorsed by the City Center Advisory Commission (CCAC), and presented to City Council on September 19th.
- Staff has developed a complete Program and Outreach Effort to inform and work with Downtown property and business owners. This will be presented to City Council on October 10th.

Benchmarks: The Program for development of new Downtown Land Use regulations will be executed from June 21 '06 to June 30, '07.

2nd Quarter Update:

- A work program was developed to research, develop, and adopt land use regulations and design guidelines for Downtown.

Benchmarks: Program to go from June 21, 2006 to June 30, 2007.

1st Quarter Update:

- Prepare a work program to begin FY 06-07 to include 1) identifying preferred quality of development, 2) reviewing recommendations of the Tigard Downtown Improvement Plan, 3) devising new or modifying existing land use regulations, and 4) coordinating stakeholder involvement.

Benchmarks: Anticipated time of completion: May 30, '06

- Complete work program tasks 1) identify desired quality of development
2) review recommendations of Tigard Downtown Improvement Plan.

Benchmarks: Anticipated completion: June 30, '06

- Apply for a TGM Code Assistance Grant to provide consultant assistance in accomplishing the work program.

Benchmarks: Anticipated completion of grant proposal: May 30, '06

2. Improve 99W Corridor

- **Complete Transportation Growth Management (TGM) Corridor Study**

4th Quarter Update:

In November the Hwy 99W Citizen Advisory Committee was formed to guide the preparation of the plan and to present the completed plan to City Council after Tigard received a Transportation Growth and Growth Management grant.

3rd Quarter Update

The IGA (Intergovernmental Agreement) with ODOT (Oregon Department of Transportation) has been executed and notice to proceed on the project was given on August 18, 2006. A TAC (Technical Advisory Committee) has been formed to perform the technical review of the plan. A CAC (Citizen Advisory Committee) to guide the preparation of the plan has been formed with members selected through the established selection process led by the Mayor.

The CAC will be formally appointed by Council via resolution at the Council meeting on October 24, 2006. The TAC and CAC will conduct meetings after completion of major tasks in the scope of work to review and comment on the consultant submittals. The current schedule calls for five meetings each of the two committees and three open houses to receive public input on the plan as it is developed. The project is expected to be completed by the end of Fiscal Year 2006-07 (June 30, 2006).

After completion of the plan, the CAC will present the findings and recommendations to City Council for adoption. The high priority projects will be considered for implementation in future years as funding is identified and made available. Potential land use changes will also be considered for implementation as opportunities present themselves through new development or redevelopment of existing properties along the corridor.

2nd Quarter Update

The study will evaluate various alternatives alleviating traffic congestion on the highway between Durham Road and Interstate 5. The intent of the study is to address current traffic deficiencies, present design alternatives and propose strategies that would provide for effective traffic circulation, connectivity and operational improvements to the highway and its corridor. The study will:

- Provide a plan for management of the corridor
- Produce a package of projects (both large & small) that can be implemented over a period of years as funding sources are identified and designated for these projects
- Identify and evaluate opportunities for land use changes to help achieve project objectives.
- Recommend comprehensive plan and zoning code amendments to allow new market-supported uses that reduce vehicle trip demand
- Suggest site design requirements to promote alternative modes and reduce congestion.

The OTAK-DKS consultant team with Randy McCourt of DKS as the team project manager has been selected to perform the study. The detailed scope of work with Intergovernmental Agreement (IGA) has been submitted to the Oregon Department of Transportation headquarters in Salem for review and approval. That process has been exceeding slow. To ensure that the IGA can be promptly approved once it is submitted to the City, Council approved the draft IGA at the June 27, 2006 meeting and authorized the City Manager to execute the documents upon submittal to the City. The Citizen Advisory Committee to guide the preparation of the plan is being formed and is expected to be appointed by Council in early October 2006. The actual work to develop the plan is now expected to begin by late August 2006 and should be completed within 12 months after notice to proceed.

1st Quarter Update:

The City staff has been working with ODOT to develop a detailed statement of work for the Highway 99W Corridor Improvement and Management Plan. The statement of work has been completed and the selection of the consultant to perform the work will be conducted during the next few weeks. The actual work to develop the plan is expected to begin by June 1, 2006. The duration of the study is up to 13 months after notice to proceed.

- **Continue Greenburg Road intersection project**

4th Quarter Update:

The City held two Open Houses – November 9 and November 30 to gather input of citizens on a proposed local fuel tax as the funding source for improvements to the Greenburg Road/Highway 99W/Main Street intersection.

The Transportation Financing Strategies Task Force, a committee of citizen volunteers appointed by Council to evaluate new funding sources for major street improvements, recommended the establishment of a 3-cent local gas tax as a new funding source to design and construct improvements to the Greenburg Road/99W/Main Street Intersection.

December 19 City Council will conduct a public hearing for public testimony on the proposed fuel tax ordinance.

3rd Quarter Update:

The proposed project to improve the Greenburg Road/Highway 99W/Main Street intersection will complement the Hall Boulevard/Highway 99W County-funded improvements. Improvements will enhance traffic circulation across Highway 99W and reduce traffic congestion on the highway along the corridor adjacent to the Tigard downtown.

The full benefits of the improvements to the Hall Boulevard intersection cannot be realized without removing the bottleneck that currently exists at the Greenburg Road intersection. The Transportation Financing Strategies Task Force recommended to City Council that the project be constructed in conjunction with the Hall Boulevard/Highway 99W project.

To fund this high priority project, the Task Force recommended that a local gas tax with a five-year sunset clause be implemented to fund the project. Council directed the establishment of an extensive public process to gain support for the project and the proposed funding source to implement it. Two open houses have been scheduled in November (November 9th and 30th) to provide information and to receive citizen and business input on the proposal.

An ordinance to establish the local gas tax will be submitted for Council consideration at the Council meeting on December 12, 2006. A public hearing to obtain input will be conducted at the meeting as part of Council consideration of the proposed ordinance.

2nd Quarter Update:

An alternatives analysis was conducted to examine circulation issues and impacts of various alternatives aimed at improving performance at the Greenburg Road/Highway 99W/Main Street intersection. The current level of service on Greenburg Road at Highway 99W is extremely poor especially in the afternoon peak travel hours with vehicles waiting through multiple traffic cycles to clear the intersection. In addition, forecasts for Highway 99W along this area show it is well over capacity in future demand.

Current Status: The alternatives analysis to determine an optimum solution for the Main Street/Greenburg Road/Highway 99W intersection was presented to City Council at the April 18, 2006 workshop meeting and further discussed at the May 16, 2006 meeting. Council provided direction for staff to further explore the recommended improvements to the intersection. A concept design with cost estimate was prepared and submitted to the Transportation Financing Strategies Task Force for comment. The Task Force consensus is that the recommended improvements in the study should be constructed to complement the Hall Boulevard/Highway 99W Intersection Improvements. The Task Force will recommend the establishment of a local gas tax at the August 8, 2006 Council meeting and will further recommend that the proposed improvements to the Greenburg Road/Highway 99W/Main Street intersection be designated as the initial project for implementation. Council direction will be requested for the Task Force to work with City staff in the development of an ordinance to establish the local gas tax so that the proposed project can be initiated and constructed as soon as possible for improved traffic flow through the two adjacent intersections.

1st Quarter Update:

An alternatives analysis was conducted to examine circulation issues and impacts of various alternatives aimed at improving performance at the Greenburg Road/Highway 99W/Main Street intersection. A draft report has been prepared, which will be presented to Council at the April 18, 2006 workshop meeting. The draft report has been provided to the Transportation Financing Strategies Task Force.

• Continue Hall Boulevard intersection project

Work continues on design by Washington County staff.

3rd Quarter Update:

The County continues to work with ODOT to identify the extent of the access management plan required, design exceptions needed to allow for the expansion without having to reconstruct and widen the entire street, storm drainage runoff disposal issues, and others.

The MSTIP funding is limited and needs to be managed carefully if the project improvements are to be constructed as proposed. The intent of this coordination is to be able to provide the design consultant with specific guidance during the design phase and to ensure that project funding is not spent unnecessarily on process-oriented work that does not translate into physical improvements on the ground. As a result of this

coordination and discussion, the project design progress has been delayed and the project schedule will have to be re-established afterwards.

It is therefore unlikely that the project construction can begin in the summer of 2007. This could work to the City's advantage if the Greenburg Road project can be funded through a local gas tax. This delay could provide an opportunity to combine the two projects into one construction project in 2008.

2nd Quarter Update:

This project adds capacity to the Hall Boulevard/Highway 99W intersection. It is funded through Washington County's MSTIP 3 (Major Streets Transportation Improvement Program).

Current Status: The project design has begun but is progressing at a relatively slow pace as the County staff discusses several major issues with ODOT. Some of these issues include the extent of the access management plan required, design exceptions needed to allow for the expansion without having to reconstruct and widen the entire street, storm drainage runoff disposal issues, and others. The County is seeking to have this project declared as an interim improvement to reduce the requirements for additional studies and other process-oriented submittals that represent significant cost but do not actually go into physical improvements on the ground. The project is still scheduled to begin construction in 2007, but that could change if the right-of-way acquisition is delayed sufficiently to require significant adjustment of the currently projected schedule.

1st Quarter Update:

The project is entering into the design phase with construction expected to begin in spring 2007. The design work and right-of-way acquisition for the intersection widening will be ongoing during the next 12 to 18 months. Because the intersection is a major portal into the Tigard downtown area, the City will be working closely with the Oregon Department of Transportation (ODOT) and Washington

Other Important Goals for 2006

- **Improve Communication and Relationship with Citizens**
 - **Implement the new neighborhood program throughout the City**

4th Quarter Update:

Staff presented the draft program components to City Council on October 17. There was discussion about the information that could be offered on neighborhood websites. Staff reported on the Council discussion to the Committee for Citizen Involvement at their October meeting.

An open house was held on November 16 to provide citizens with the chance to make comments on the program elements that were reviewed by the Committee for Citizen Involvement. The information was e-mailed for review the next day to residents who could not attend the meeting but expressed an interest in participating in the program.

3rd Quarter Update

Staff continues to work on development of the Enhanced Neighborhood Program. In May, Open Houses were held in two of the pilot areas to provide an opportunity for area residents to comment on the proposed program elements. Over the summer, staff discussed the proposed program at two neighborhood events in the third pilot area.

Citizens who had expressed interest in helping develop the program structure were invited to attend the July CCI meeting. Staff worked with the CCI members at their July, August and September meetings to refine a proposed structure for consideration by the City Council. Based on Council's comments and direction given to staff at the October 17 workshop, staff will finalize a proposed program for the Committee for Citizen Involvement (CCI) comment at their meeting on October 18, 2006. Residents of the pilot areas who have expressed an interest in participating will be invited to an Open House in November for an opportunity to comment on the proposed program.

1st Quarter Update:

The Neighborhood Program moved forward as Liz met with the School Board in January, and has met with and scheduled meetings with the Parent-Student Organizations (PSO) in the three pilot areas in March.

- **Conduct a city-wide scientific survey/report card on City services**

Goal Completed

3rd Quarter Update

The results of the city-wide scientific survey/report on city services conducted in May 2006 were presented to City Council in June.

1st Quarter Update:

The City has chosen Riley Research to prepare and conduct a comprehensive, scientific community survey to get better information about citizen concerns. This first survey, to be conducted the week of May 14, 2006, will help to guide the City's efforts to update its Comprehensive Plan, but will also form a baseline for biennial surveys to help us gauge our progress at meeting citizen needs.

- **Connect Council with students in schools**

4th Quarter Update:

On October 16th Council members attended the Police Activities League kick-off at Twality Middle School to further the message of positive activity and the opportunity for everyone to have a share in success. The event featured the Trail Blazer Dancers, Jarrod Murrieta, previous All American football player and coach who spoke about the importance of commitment to doing the right thing and X-Games medalist, Bruce Crisman, who talked about what it takes to become a pro.

3rd Quarter Update

A representative of Tigard High School continues to attend City Council meetings monthly to present information about programs and activities at the school. The Tigard Youth Advisory Council has suggested City Council members have lunch at the High School periodically. Staff will work with individual Council members to schedule.

- **Consider Opportunities for Major Greenspaces Purchases**
 - **Purchase first-refusal options**
 - **Explore School District property exchange**

4th Quarter Update:

During this quarter, the City took action on two properties, Price and Cach. The Cach property, although owned by the City, was not within city limits. On October 10, 2006, the Council annexed this property.

A purchase agreement for the Price property was finalized in late November; the City now owns this property. Construction of a three million gallon reservoir on the site is slated for completion by late 2008 and park improvements will follow in 2009.

The City is currently negotiating to acquire greenspace and active park space in the Ash Creek Estate development project; to purchase wetland property adjacent to Fanno Creek Park near Main Street; to work with the school district and METRO to acquire approximately 35 acres of the Fowler property

for possible active park and greenway use and to develop a Memorandum of Understanding with TVF&R to expand Jack Park.

The City has been notified its local share of the Metro greenspace bond measure will be approximately \$1.4 million.

3rd Quarter:

Currently, the City's Cach Creek property lies outside Tigard city limits. On October 10, 2006, the Council annexed this property into the City of Tigard.

Negotiations between the City, School District, and METRO continue, with the ultimate goal being that a significant portion of the Fowler School site remains in public ownership. The City is working within this framework to acquire approximately 35 acres of the Fowler property for possible active park and greenway use.

Quarter 1 Update:

The Park and Recreation Advisory Board conducted a comprehensive land acquisition process that evaluated properties in and around the Tigard community. The Fowler School property was identified as high priority by the Board. The Advisory Boards goal is to preserve and protect the Fowler School greenway property as well as the developable, upland property.

Currently there are fourteen (14) properties being evaluated (seven (7) greenway properties totaling 36.97 acres, and seven (7) "active" park properties totaling 14.3 acres). Appraisals and Level One Environmental Reports are being ordered, and negotiations continue with owners.

The City and the School District are currently working collaboratively to identify a mechanism(s)/ process that will ensure that the entire Fowler School site will remain in public ownership. It is anticipated that eventually, an Intergovernmental Agreement will be created that will enable this to happen.

The School Board is conducting a process aimed at identifying surplus property within the District. Fowler School will be discussed at a meeting to be held in April. City staff will be at that meeting.

Metro is conducting a land acquisition bond measure in November 2006. A portion of the bond measure is dedicated to local share distribution.

- **Clarify City's Position on the Provision of Urban Services to Unincorporated Areas and in the Best Interests of the Citizens of Tigard**

Goal Completed

Third Quarter Update

The Urban Services Intergovernmental Agreement is terminated.

2nd Quarter Update:

Implemented termination of Urban Services Intergovernmental Agreement prior to effective date of July 20, 2006.

1st Quarter Update:

At the meeting on March 28, 2006, the City Council decided to terminate the Urban Services Intergovernmental Agreement with Washington County whereby the City provided building permits and inspections and development services to the unincorporated portions of Bull Mountain. It is important to note that the termination of the development services intergovernmental agreement does not indicate a change in the City's long stated policy and the underlying Urban Services Agreement with Washington County and other urban services provider to be the ultimate provider of services to the Bull Mountain area.

The City will continue to annex land within that area as property owners request annexation and as allowed by law.

- **Secure Long-Range Water Source(s)**

4th Quarter Update:

Tigard, Lake Oswego and the IWB had a successful first meeting regarding the Lake Oswego/Tigard partnership and provided additional guidance for the staff and consultant to move to the next steps of the supply study. The next joint Council meeting is scheduled for February 2007, when the draft report will be completed.

The draft environmental impact statement on the Haag Lake dam raise project is still expected in late December. This will provide a decision point for Tigard as to staying in the project or removing it from future consideration.

3rd Quarter:

This quarter, work continues on the analysis of a Lake Oswego /Tigard partnership to expand Lake Oswego's water rights and treatment plant. The Tigard City Council is slated to meet with the Lake Oswego City Council and the Intergovernmental Water Board on November 14 to discuss the partnership and the type of information Councilors and Board members will need in order to make a decision about forming the partnership.

The draft environmental impact statement for the Haag Lake dam raise project is now expected in December 2006. In early 2007, the Council will need to consider whether to continue the City's participation in the project as this decision will affect the FY '07-'08 budget.

2nd Quarter Update:

This quarter work progresses on the Lake Oswego /Tigard analysis of the potential expansion of Lake Oswego's water rights and treatment plant modifications. Draft white papers, on several topics covered in the study, will be available soon.

The Tigard City Council also entered into a partnership with the Tualatin Valley Water District to develop the right-of-way and easements for the north/south regional water transmission main. This key pipeline will connect all the major Westside water sources.

The draft environmental impact statement for the Haag Lake dam raise project is due next quarter. The Council will need to consider whether to continue its participation in the project; the next phase of the project involves a commitment to fund the improvements.

1st Quarter Update:

The City continued participation in the Haag Lake expansion study. Council will need to decide during the 3rd quarter if we wish to continue into the construction process.

Secured a joint funding agreement with Lake Oswego for addition evaluation of a joint project.

Continued participation in the Willamette River Water coalition to protect and develop our water rights.

Successfully negotiated a shorter term contract with Portland to provide transition to an alternate source(s).

- **Stabilize Financial Picture**
 - **Review Financial Strategy Task Force recommendations**
 - **Take appropriate action to control costs**

4th Quarter Update:

One of the key recommendations of the task force was to have an independent 3rd party complete performance audits of city operations. In response, the City Council approved \$75,000 in the FY2006-07 budget for this purpose. The City subsequently contracted with one consultant to perform a review of selected library operations, specifically work flow, materials flow, work processes, and staffing allocations in order to identify potential efficiencies. The review is focusing on processes that are transaction heavy: circulation holds processing, and delivery processing but also includes a review of the library's customer self-sufficiency initiatives and public service enhancements. This work is underway and a final report should be received from the consultant by the end of December 2006.

The City has also contracted with another consultant to perform reviews of selected police operations: the handling and administration of seized property and evidence, mutual aid agreements with neighboring jurisdictions, and the recruitment and retention of qualified personnel. This work is scheduled to begin by mid-December and should be completed by the end of January 2007.

3rd Quarter Update:

Significant Work Elements

- Completed conversion of the Springbrook financial software to an upgraded version (6.05).
- Completed conversion from the purchasing card software EAGLS to WORKS and conducted staff training.
- Closed several open accounts and now using p-card and/or purchase orders.
- Auditors completed interim work for FY 2005-06.
- Worked with Finance Director on process reviews for procurement and Human Resources.
- Started working with Public Works on Street Maintenance cost analysis.
- Transportation System Development Charge (TSDC) - Engineering now plans on using the umbrella DKS contract recently approved by the City Council.

2nd Quarter Update:

Significant Work Elements Accomplishments During the Quarter

- Worked with Finance Administration on the Budget Committee meetings and final adoption of the FY 2006-07 Budget.
- Completed RFP process for new coffee bar vendor and TV Van.
- Scheduled upgrade of the City's financial software to the most recent version (6.05).
- Initiated the conversion to a new procurement card processing software.
- Initiated year-end closing procedures for FY 2005-06.
- Began working with Public Works staff on a cost study of certain activities in the Street Maintenance Program.
- Completed preliminary work with the outside auditing firm for FY 2005-06 audit.
- Finance Director initiated a business process review of the City's purchasing/acquisition process and procedures.

1st Quarter Update:

At the end of last year's budget process, the City Council appointed a task force made up of citizen members of the City's Budget Committee plus representatives of each of the City's other boards and committees. This citizen task force met over an 8 month period to review the City's financial situation. They concluded that the City's financial affairs are well managed and that the City is not providing any unnecessary services. They recommended that the City contract for outside performance audits to review selected city services and to develop recommendations for improvements. The 2006-07 proposed budget includes a request for \$75,000 to

pay for up to two performance audits to accomplish these purposes. The task force also recommended that the City continue its past practice of making sure that all fees and charges are kept current and recover the full cost of providing services for which they are charged. The City will continue with this practice by reviewing all fees and charges annually as required by City Code.